
HOUSE BILL No. 1355

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-6-4.1; IC 6-6.1; IC 8-2.1; IC 9-24-6-5.

Synopsis: Regulation of motor carriers. Establishes the motor carrier services division within the department of state revenue. Consolidates statutes relating to the regulation of motor carriers within the tax code. Requires the motor carrier services division to administer the following with respect to commercial vehicles: (1) the issuance of certificates of title; (2) registration; (3) the issuance of license plates; (4) the size and weight laws; (5) the motor carrier fuel tax. Specifies that references to the bureau of motor vehicles in statutes and rules concerning: (1) the issuance of a title for a commercial vehicle; and (2) registration and license plates for a commercial vehicle; are references to the motor carrier services division. Specifies that references to the bureau of motor vehicles, the department of state revenue, the Indiana state police, and the Indiana department of transportation in a statute or rule concerning vehicle size and weight restrictions are references to the motor carrier services division. Requires the department of state revenue to update all rules affected by the passage of this act. Requires the legislative services agency to prepare legislation to update all statutes affected by the passage of this act.

Effective: Upon passage; January 1, 2002.

Cochran

January 11, 2000, read first time and referred to Committee on Roads and Transportation.

C
O
P
Y



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.

C
O
P
Y

HOUSE BILL No. 1355



A BILL FOR AN ACT to amend the Indiana Code concerning motor carriers.

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

1 SECTION 1. IC 6-6.1 IS ADDED TO THE INDIANA CODE AS A
2 **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JANUARY
3 1, 2002]:

4 **ARTICLE 6.1. REGULATION OF MOTOR CARRIERS**

5 **Chapter 1. Motor Carrier Services Division**

6 **Sec. 1. The motor carrier services division is established. The**
7 **motor carrier services division has authority under IC 6-8.1-4-4 to**
8 **regulate all commercial motor vehicles operating in Indiana.**

9 **Sec. 2. The motor carrier services division shall be funded under**
10 **IC 6-8.1-4-4(d).**

11 **Chapter 2. Definitions**

12 **Sec. 0.5. Except as otherwise provided, the definitions in this**
13 **chapter apply throughout this article. Any term not defined in this**
14 **article, but defined in IC 9-13-2, has the meaning found in**
15 **IC 9-13-2.**

16 **Sec. 1. "Broker" means:**

17 **(1) a person who:**



- 1 (A) is not a common carrier or contract carrier of
 2 passengers;
 3 (B) is not a bona fide employee or agent of a common or
 4 contract carrier of passengers; and
 5 (C) as principal or agent, sells or offers to sell passenger
 6 transportation service subject to regulation under this
 7 article; or
 8 (2) a person who negotiates for, or professes to be, by
 9 solicitation, advertisement, or otherwise, a person who sells,
 10 provides, furnishes, contracts, or arranges for passenger
 11 transportation service subject to regulation under this article.
- 12 **Sec. 2. "Bus" means a motor vehicle that:**
 13 (1) is designed, constructed, or used for the transportation of
 14 passengers; and
 15 (2) has seating capacity for at least fifteen (15) persons,
 16 excluding the driver.
- 17 The term does not include a limousine or a vehicle used to provide
 18 either ambulatory or nonambulatory medical transportation.
- 19 **Sec. 3. "Certificate" means:**
 20 (1) the certificate issued by the department to an intrastate
 21 motor carrier; or
 22 (2) the acknowledgment issued by the department to an
 23 interstate common carrier or a contract carrier.
- 24 **Sec. 4. "Common carrier" means a person that is regulated as**
 25 **a common carrier under this article.**
- 26 **Sec. 5. "Contract carrier" means a person that is regulated as**
 27 **a contract carrier under this article.**
- 28 **Sec. 6. "Department" refers to the department of state revenue.**
- 29 **Sec. 7. "Emergency temporary authority" means limited term**
 30 **motor carrier operating authority issued for periods of thirty (30)**
 31 **days or less to meet an immediate and urgent need for service due**
 32 **to emergencies, in which time or circumstances do not reasonably**
 33 **permit the filing and processing of an application for temporary**
 34 **authority.**
- 35 **Sec. 8. As used in IC 6-6.1-12, "express company" means a**
 36 **copartnership, corporation, association, or joint stock company**
 37 **that for compensation regularly engages in the business of carrying**
 38 **or transporting gold or silver coin or paper currency, over or upon**
 39 **any of the railroads, rivers, canals, or other thoroughfares in**
 40 **Indiana, to any point in Indiana, or from any point in Indiana.**
- 41 **Sec. 9. "Household mover" means a person who undertakes,**
 42 **whether directly or by a lease or other arrangement, to transport**



C
O
P
Y

1 household goods by motor vehicle for compensation on any public
 2 highway between two (2) or more points in Indiana, whether over
 3 regular or irregular routes, of more than one thousand (1,000)
 4 pounds per shipment for a single shipper regardless of the number
 5 of trips, or movements made for the same shipper.

6 Sec. 10. (a) "Household goods" means:

7 (1) personal effects and property used or to be used in a
 8 dwelling when the effects and property are parts of the
 9 equipment or supply of that dwelling;

10 (2) furniture, fixtures, equipment and the property of stores,
 11 offices, museums, institutions, hospitals, or other
 12 establishments when these items are parts of the stock,
 13 equipment, or supply of those stores, offices, museums,
 14 institutions, hospitals, or other establishments; and

15 (3) articles, including objects of art, displays, and exhibits,
 16 that because of their unusual nature or value require the
 17 specialized handling and equipment usually employed in
 18 moving household goods.

19 (b) Subsection (a)(1) does not include property moving from a
 20 factory or store, except property that the householder has
 21 purchased with intent to use in the dwelling and that is transported
 22 at the request of, and the transportation charges paid to the carrier
 23 by, the householder. Subsection (a)(2) does not include the
 24 stock-in-trade of any establishment, whether consignor or
 25 consignee, other than used furniture and used fixtures, except when
 26 transported as an incident to the removal of the establishment, or
 27 a part thereof, from one (1) location to another. Subsection (a)(3)
 28 does not include any article, whether crated or uncrated, that does
 29 not, because of its unusual nature or value, require the specialized
 30 handling and equipment usually employed in moving household
 31 goods.

32 Sec. 11. "Limousine" means a motor vehicle that:

33 (1) is a passenger vehicle; and

34 (2) is designed and constructed to accommodate and transport
 35 not more than fifteen (15) passengers, including the driver.

36 The term does not include a vehicle used to provide either
 37 ambulatory or nonambulatory medical transportation.

38 Sec. 12. As used in IC 6-6.1-16, "motor bus" means any motor
 39 vehicle that:

40 (1) weighs more than eleven thousand (11,000) pounds; and

41 (2) is operated in furtherance of a commercial enterprise.

42 Sec. 13. "Motor carrier" means a common carrier, contract

C
O
P
Y



1 carrier, private carrier, or carrier certified in accordance with
2 rules adopted by the department under IC 4-22-2.

3 Sec.13.5 "Motor carrier services" refers to the motor carrier
4 services division established by IC 6-6.1-1-1.

5 Sec. 14. (a) Except as provided in subsection (b), "motor
6 vehicle" has the meaning set forth in IC 9-13-2-105.

7 (b) As used in IC 6-6.1-9 through IC 6-6.1-16, "motor vehicle"
8 means a truck, a tractor, a trailer, a semitrailer, a motor bus or
9 another self-propelled or motor driven vehicle that is operated
10 upon a public highway to transport persons or property for hire.
11 The term includes a vehicle used by a private carrier that
12 transports persons or property intrastate.

13 Sec. 15. As used in IC 6-6.1-16, "organization" means an entity
14 that is not an individual. The term includes a public or private
15 school, a business firm or corporation, a labor organization, a
16 religious organization, a political club, or any other type of
17 association or group of individuals.

18 Sec. 16. As used in IC 6-6.1-16, "organizational activity" means
19 an activity:

- 20 (1) that is sponsored, controlled, or supervised by an Indiana
21 public or private organization; and
22 (2) to, for, or from which a motor carrier will provide
23 transportation to the organization but not to the general
24 public.

25 Sec. 17. "Permit" means:

- 26 (1) the permit issued by the department to an intrastate
27 contract carrier; and
28 (2) the acknowledgment issued by the department to an
29 interstate contract carrier as evidence of the registration of
30 the contract carrier's interstate contract authority.

31 Sec. 18. "Person" means an individual, corporation, firm, or
32 partnership.

33 Sec. 19. "Public highway" means a street, alley, road, highway,
34 or thoroughfare in Indiana used by the traveling public.

35 Sec. 20. "Special and charter operations" means the use of a bus
36 for transportation by a group of persons who:

- 37 (1) are traveling under a common purpose;
38 (2) have entered a single contract, at a fixed charge, for the
39 bus; and
40 (3) have acquired the exclusive use of the bus to travel
41 together under an itinerary that is:

- 42 (A) specified in advance; or

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(B) modified after the group has left its place of origin.

Sec. 21. "Taxicab" means a motor vehicle that:

- (1) is designed and constructed to accommodate and transport not more than six (6) passengers in addition to the driver;
- (2) does not operate over any definite and designated routes within the corporate boundaries of a city or town and the suburban territory of a city or town; and
- (3) transports passengers to the destination designated by the passengers at the time of their transportation.

Sec. 22. "Temporary authority" means limited term motor carrier operating authority issued for periods up to one hundred eighty (180) days by the department to authorize transportation service for which there is an immediate and urgent need and that cannot be met by other motor carrier service. The term includes emergency temporary authority.

Chapter 3. Certificates of Title

Sec. 1. This chapter applies to an application for a certificate of title for a commercial vehicle required to be titled in Indiana.

Sec. 2. Motor carrier services shall administer the issuance of certificates of title for commercial vehicles.

Sec. 3. (a) After December 31, 2001, a reference to the bureau of motor vehicles in a statute listed in subsection (b) is a reference to motor carrier services with respect to the issuance of a title for a commercial vehicle.

(b) Subsection (a) applies to the following statutes:

- IC 9-17-2-2
- IC 9-17-2-6
- IC 9-17-2-7
- IC 9-17-2-8
- IC 9-17-2-10
- IC 9-17-2-11
- IC 9-17-2-12
- IC 9-17-2-15
- IC 9-17-2-16
- IC 9-17-3-2
- IC 9-17-3-3
- IC 9-17-3-3.5
- IC 9-17-3-4
- IC 9-17-3-5
- IC 9-17-3-6
- IC 9-17-3-8
- IC 9-17-4-2

C
O
P
Y



1 **IC 9-17-4-3**
 2 **IC 9-17-4-4**
 3 **IC 9-17-4-5**
 4 **IC 9-17-5-2**
 5 **IC 9-17-7-1**
 6 **IC 9-17-8-3**
 7 **IC 9-17-8-5**
 8 **IC 9-17-8-6.**

9 (c) After December 31, 2001, a reference to the bureau of motor
 10 **vehicles in a rule relating to the subject matter of the statutes listed**
 11 **in subsection (b) is a reference to motor carrier services with**
 12 **respect to the issuance of a certificate of title for a commercial**
 13 **vehicle.**

14 **Sec. 4. The procedures and requirements of IC 9-17 governing**
 15 **the issuance of a certificate of title apply to the issuance of a**
 16 **certificate of title for a commercial vehicle under this chapter.**

17 **Chapter 4. Registration and Plates**

18 **Sec. 1. This chapter applies to the following:**

- 19 (1) **The registration of a commercial motor vehicle that**
 20 **operates in Indiana as a part of an interstate operation.**
 21 (2) **An application for a license plate for a vehicle described in**
 22 **subdivision (1).**
 23 (3) **The registration of a commercial motor vehicle that**
 24 **operates solely within Indiana.**
 25 (4) **An application for a license plate for a vehicle described in**
 26 **subdivision (3).**

27 **Sec. 2. Motor carrier services shall administer the following:**

- 28 (1) **The registration of commercial motor vehicles.**
 29 (2) **The issuance of license plates for commercial motor**
 30 **vehicles.**
 31 (3) **The international registration plan under IC 9-28-4-6.**

32 **Sec. 3. (a) After December 31, 2001, a reference to the bureau**
 33 **of motor vehicles or the department of state revenue in a statute**
 34 **listed in subsection (b) is a reference to motor carrier services with**
 35 **respect to the registration of commercial motor vehicles and the**
 36 **issuance of license plates for commercial motor vehicles.**

37 **(b) Subsection (a) applies to the following statutes:**

38 **IC 9-18-2-1**
 39 **IC 9-18-2-6**
 40 **IC 9-18-2-7**
 41 **IC 9-18-2-8**
 42 **IC 9-18-2-9**

C
O
P
Y



1	IC 9-18-2-10
2	IC 9-18-2-11
3	IC 9-18-2-12
4	IC 9-18-2-14
5	IC 9-18-2-15
6	IC 9-18-2-16
7	IC 9-18-2-17
8	IC 9-18-2-18
9	IC 9-18-2-19
10	IC 9-18-2-20
11	IC 9-18-2-22
12	IC 9-18-2-23
13	IC 9-18-2-24
14	IC 9-18-2-25
15	IC 9-18-2-26
16	IC 9-18-2-27
17	IC 9-18-2-29
18	IC 9-18-2-30
19	IC 9-18-2-31
20	IC 9-18-2-32
21	IC 9-18-2-33
22	IC 9-18-2-39
23	IC 9-18-2-42
24	IC 9-18-2-44
25	IC 9-18-2-49
26	IC 9-18-4-1
27	IC 9-18-4-2
28	IC 9-18-4-3
29	IC 9-18-4-4
30	IC 9-18-4-6
31	IC 9-18-4-7
32	IC 9-18-6-1
33	IC 9-18-6-2
34	IC 9-18-6-3
35	IC 9-18-7-1
36	IC 9-18-7-1.5
37	IC 9-18-7-2
38	IC 9-18-7-3
39	IC 9-18-7-4
40	IC 9-18-7-6
41	IC 9-18-9-1
42	IC 9-18-9-3

С
о
р
у

1 **IC 9-18-10-1**
 2 **IC 9-18-10-3**
 3 **IC 9-18-11-2**
 4 **IC 9-18-11-3**
 5 **IC 9-18-11-4**
 6 **IC 9-18-11-9**
 7 **IC 9-18-11-10**
 8 **IC 9-18-11-11**
 9 **IC 9-18-11-13**
 10 **IC 9-18-13-1**
 11 **IC 9-18-13-4**
 12 **IC 9-18-27-1**
 13 **IC 9-18-27-3**
 14 **IC 9-18-27-10**
 15 **IC 9-18-27-11**
 16 **IC 9-18-27-12**
 17 **IC 9-18-27-13.**

18 **(c) After December 31, 2001, a reference to the bureau of motor**
 19 **vehicles or the department of state revenue in a rule relating to the**
 20 **subject matter of the statutes listed in subsection (b) is a reference**
 21 **to motor carrier services with respect to the registration of a**
 22 **commercial motor vehicle and the issuance of a license plate for a**
 23 **commercial motor vehicle.**

24 **Sec. 4. The procedures and requirements of IC 9-18 governing**
 25 **the registration of a commercial motor vehicle and the issuance of**
 26 **a license plate for a commercial motor vehicle apply to the issuance**
 27 **of a certificate of title for a commercial vehicle under this chapter.**

28 **Chapter 5. Size and Weight**

29 **Sec. 1. Motor carrier services shall administer and enforce the**
 30 **size and weight restrictions of IC 9-20 for all motor vehicles**
 31 **operating on Indiana highways.**

32 **Sec. 2. Motor carrier services shall issue oversize and**
 33 **overweight permits for all motor vehicles as provided under**
 34 **IC 9-20.**

35 **Sec. 3. All size and weight restrictions under IC 9-20 include the**
 36 **load, unless the plain language of the restriction specifically**
 37 **excludes the load.**

38 **Sec. 4. Motor carrier services shall collect the fees for permits**
 39 **issued under IC 9-20 as provided under IC 9-29-6.**

40 **Sec. 5. (a) After December 31, 2001, a reference to the**
 41 **department of state revenue, the state police department, or the**
 42 **Indiana department of transportation in a statute listed in**



C
O
P
Y

1 subsection (b) is a reference to motor carrier services with respect
 2 to the administration and enforcement of size and weight
 3 restrictions.

4 (b) Subsection (a) applies to the following statutes:

5 IC 9-20-3-6

6 IC 9-20-4-4

7 IC 9-20-5-8

8 IC 9-20-6-2

9 IC 9-20-6-3

10 IC 9-20-6-4

11 IC 9-20-6-6

12 IC 9-20-6-12

13 IC 9-20-9-10

14 IC 9-20-14-1

15 IC 9-20-14-2

16 IC 9-20-15-1

17 IC 9-20-15-2

18 IC 9-20-15-4

19 IC 9-20-15-6

20 IC 9-20-17

21 IC 9-20-18-9

22 IC 9-20-18-15.

23 (c) After December 31, 2001, a reference to the department of
 24 state revenue, the state police department, or the Indiana
 25 department of transportation in a rule relating to the subject
 26 matter of the statutes listed in subsection (b) is a reference to motor
 27 carrier services with respect to the issuance of permits under
 28 IC 9-20 and the administration and enforcement of the size and
 29 weight restrictions of IC 9-20.

30 **Chapter 6. Fraudulent Bills of Lading**

31 **Sec. 1. A person who, with intent to defraud:**

32 (1) falsely makes, alters, forges, counterfeits, prints, or
 33 photographs any bill of lading purporting to represent goods
 34 received for shipment intrastate in Indiana;

35 (2) utters or publishes as true and genuine a falsely made,
 36 altered, forged, counterfeited, printed, or photographed bill
 37 of lading; or

38 (3) issues, negotiates, or transfers for value a bill that contains
 39 a false statement as to the receipt of the goods or to any other
 40 matter;

41 commits a Class D felony.

42 **Chapter 7. Fatal Accidents Involving Common Carriers**

C
o
p
y



1 **Sec. 1.** When a person dies by violence or casualty caused by a
 2 collision with a train, car, or another conveyance of a common
 3 carrier, it is lawful for the train, car, or conveyance to proceed on
 4 its journey before the arrival of the coroner and the holding of an
 5 inquest if the body of the person is left in charge of a member of
 6 the crew of a train, car, or another conveyance or of an agent of a
 7 common carrier.

8 **Chapter 8. Disposition of Common Carrier of Unclaimed**
 9 **Property**

10 **Sec. 1.** When any freight or baggage of passengers has been
 11 conveyed by a common carrier to any point in this state and
 12 remains unclaimed for at least three (3) months at the place to
 13 which it is consigned or checked, and the owner, whether known or
 14 unknown, fails, within that time, to claim such freight or baggage,
 15 and to pay the proper charges, if any, then it shall be lawful for
 16 such common carrier to sell such freight or baggage at public
 17 auction, offering each box, bale, trunk, valise, or other article
 18 separately as consigned or checked.

19 **Sec. 2.** Sixty (60) days notice of the time and place of sale and a
 20 descriptive list of the articles to be sold, with the names, numbers,
 21 or other marks found thereon, shall be posted in three (3) public
 22 places of the county where the sale is to be made and one (1) on the
 23 door of the depot or warehouse, if any, where the goods are; and
 24 shall also give notice in at least one (1) paper in the county for sixty
 25 (60) days before sale; and, out of the proceeds of such sale, the
 26 carrier shall pay the proper charges on such freight or baggage,
 27 including costs for storage for the previous three (3) months, and
 28 hold the overplus, if any, subject to the order of the owner, at any
 29 time within five (5) years, on proof of ownership, made by the
 30 affidavit of the claimant or his duly authorized agent or attorney.
 31 Also, after five (5) years, all sums of money remaining unclaimed
 32 to be paid into the county treasury, to be placed to the account of
 33 common schools.

34 **Sec. 3.** The carrier shall keep a copy of the notice, a copy of the
 35 sale-bill, and the expenses thereof proportioned to each article sold,
 36 and also the oath of the claimant of the residue of the proceeds as
 37 aforesaid; and shall furnish an inspection of the same, and, if
 38 required, copies thereof, to anyone, on payment of the proper
 39 charges therefor.

40 **Sec. 4.** If any perishable property or livestock shall be so
 41 conveyed, either as freight or baggage as aforesaid, and remain
 42 unclaimed until in danger of great depreciation, or such livestock



C
O
P
Y

1 be falling away because the carrier has not facilities to feed and
 2 water the same, then the carrier may, after five (5) days from the
 3 time the property is conveyed to the place to which it is consigned
 4 or checked, sell, at private sale or auction, without giving the sixty
 5 (60) days notice, for the best price it will bring, and apply the
 6 proceeds as aforesaid.

7 **Chapter 9. Charges by Motor Carriers That No Longer Provide**
 8 **Service in Indiana or Have Filed a Bankruptcy Petition**

9 **Sec. 1. This chapter applies to a motor carrier if the motor**
 10 **carrier:**

11 (1) shipped goods intrastate within Indiana under a tariff or
 12 permit issued by a governmental body that is or was
 13 authorized by a statute to regulate the shipment; and

14 (2) is no longer providing service within Indiana or has filed
 15 a petition for bankruptcy.

16 **Sec. 2. A motor carrier or a party representing a motor carrier**
 17 **may not add to a charge or attempt to add to a charge for a**
 18 **transportation service previously provided, the difference between:**

19 (1) an applicable rate, fare, or charge that was lawfully in
 20 effect under a tariff filed for the motor carrier and applicable
 21 to the transportation service on the date the transportation
 22 service was provided; and

23 (2) the rate, fare, or charge paid for the transportation
 24 service;

25 if payment for the transportation service was received by the
 26 motor carrier or its representative at least ninety (90) days before
 27 the motor carrier's attempt to add to the rate, fare, or charge.

28 **Chapter 10. For Hire Vehicle Registration**

29 **Sec. 1. A motor bus, truck, tractor, trailer, or semitrailer used**
 30 **or intended to be used for hire by the owner may not be registered**
 31 **or licensed whenever the law requires the owner to obtain a permit**
 32 **or certificate of convenience and necessity from the department**
 33 **until the permit or certificate has been issued by motor carrier**
 34 **services.**

35 **Sec. 2. The instrument must certify that the owner of such**
 36 **motor bus, truck, tractor, trailer, or semitrailer has complied with**
 37 **the law and the rules of the department concerning permits and**
 38 **certificates of convenience and necessity and the use of motor**
 39 **vehicles.**

40 **Chapter 11. Interstate Motor Carriers**

41 **Sec. 1. This chapter applies to persons engaged in the interstate**
 42 **transportation of passengers, property, or household goods over**

C
O
P
Y



1 public highways in Indiana.

2 **Sec. 2. (a)** Except as provided in subsection (b), a motor carrier
3 may not operate motor vehicles upon any public highway in
4 interstate commerce under a certificate of public convenience and
5 necessity or permit issued to the carrier by the Federal Highway
6 Administration until the carrier has:

7 (1) registered the certificate or permit with the department
8 annually in the form and manner required by the department;
9 and

10 (2) been issued an acknowledgment by the department.

11 An acknowledgment issued under this subsection remains in effect
12 until the acknowledgment is amended, suspended, canceled,
13 revoked, or expires.

14 (b) A certificate of authority or permit issued before July 1,
15 1963, to an interstate common or contract carrier continues in
16 effect as granted or amended. A certificate of authority or permit
17 to which this subsection applies must be registered with the
18 department in the form and manner required by the department.
19 Upon registration by a motor carrier under subsection (a), the
20 department shall issue an acknowledgment.

21 (c) An interstate certificate of registration or permit, or an
22 acknowledgment of a certificate or permit, may be issued by the
23 department without a public hearing.

24 (d) A motor carrier subject to this chapter may not operate
25 motor vehicles within exempt commercial zones unless the carrier
26 has registered with the department under this section.

27 **Sec. 3.** Before operating a motor vehicle on the public highways
28 of this state in the interstate transportation of property or
29 passengers, the person who operates the motor vehicle must
30 register under the single state registration system established
31 under 49 U.S.C. 11506.

32 **Sec. 4.** Fees collected under this chapter shall be deposited in the
33 motor carrier regulation fund established under IC 6-6.1-14.

34 **Sec. 5.** This chapter does not affect the reciprocity laws between
35 states concerning license plates on commercial motor vehicles.

36 **Sec. 6.** A person who violates this chapter commits a Class C
37 infraction.

38 **Chapter 12. Interstate Express Companies**

39 **Sec. 1.** In the application of a statute that concerns common
40 carriers, an express company shall be treated as a common carrier.

41 **Sec. 2.** An express company shall, when any gold or silver coin
42 or paper currency is presented for transportation at any agency or

C
O
P
Y



1 office of such company within Indiana be required to ascertain, by
 2 actual count, the amount of such gold or silver coin or paper
 3 currency received or accepted at such agency or office for
 4 transportation, and the amount so received or accepted shall be
 5 duly entered of record upon a book to be provided and kept by
 6 such express company, which record book shall also give the name
 7 of the person or persons from whom such gold or silver coin or
 8 paper currency was received, the kind and amount of each, and the
 9 day and date upon which the same was delivered and accepted for
 10 transportation, and to whom and what point the same is to be
 11 delivered.

12 **Sec. 3.** Upon the acceptance of any gold or silver coin or paper
 13 currency, an express company shall, by themselves or through
 14 their lawful agent, execute to the consignor of any gold or silver
 15 coin or paper currency so delivered for transportation a way-bill
 16 or receipt for such currency, which way-bill or receipt shall specify
 17 the exact amount of such gold or silver coin or paper currency,
 18 from whom received, to whom and what point the express
 19 company agrees to deliver the currency and the day and date that
 20 the same was consigned and accepted for transportation.

21 **Sec. 4.** The consignor named in the receipt or way-bill, as
 22 provided for in section 3 of this chapter and the consignor's heirs,
 23 assigns, or legal representatives may, where the express company
 24 has failed, within a reasonable time, to deliver such gold or silver
 25 coin or paper currency to the point of destination, as shown in such
 26 way-bill or receipt, or refuses to account to the consignor for the
 27 full amount of such gold or silver coin or paper currency, institute
 28 suit upon the way-bill or receipt, in an Indiana court having
 29 competent jurisdiction, for the full amount of the gold or silver
 30 coin or paper currency named in such way-bill or receipt.
 31 However, the way-bill or receipt is sufficient evidence to establish
 32 the claim or demand for the amount named in the way-bill or
 33 receipt.

34 **Chapter 13. Transportation of Passengers and Household Goods**

35 **Sec. 1.** Except as provided in section 2 of this chapter, this
 36 chapter applies to the regulation of the following persons:

- 37 (1) A common carrier that professes to the general public to
 38 engage in the transportation by motor vehicle of passengers
 39 for compensation.
 40 (2) A contract carrier that engages in transportation by motor
 41 vehicle of passengers, for compensation (other than
 42 transportation provided by a common carrier described in



C
O
P
Y

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

subdivision (1)) under continuing contracts with one (1) person or a limited number of persons for:

(A) the furnishing of transportation services through the dedication of motor vehicles for a continuing period of time to the exclusive use of each person served; or

(B) the furnishing of transportation services designed to meet the distinct need of each individual customer.

(3) A broker of transportation services provided by a motor carrier described in subdivision (1) or (2).

(4) A common carrier that professes to the general public to engage in the transportation of household goods.

(5) A contract carrier that engages in transportation of household goods for compensation under continuing contracts with at least one (1) person for:

(A) the furnishing of transportation services through the dedication of motor vehicles for a continuing period for the exclusive use of each person served; or

(B) the furnishing of transportation services designed to meet the needs of each customer.

Sec. 2. (a) This chapter does not apply to the following:

(1) Motor vehicles used as school buses while engaged in the transportation of students, under the supervision, control, and direction of school authorities.

(2) Motor vehicles used exclusively as taxicabs.

(3) Motor vehicles while being used or operated under the control, direction, and supervision of:

(A) the United States government, the state, or a political subdivision; or

(B) the board of trustees of any state institution.

(4) Motor vehicles that are used to provide limited transportation services in conjunction with the operation of a hotel, campground, or food service facility but are not used as a common carrier. For the purpose of this subdivision, compensation for housing, camping, or food combined with transportation is not transportation by motor vehicle for compensation. However, transportation may not be performed for any person if, at the point of origin or within twenty-five (25) miles of that point, there is an equipment point as shown by a proper tariff of a carrier of passengers in Indiana that operates special or charter bus service under the jurisdiction of the department. Exemption from this chapter is not available under this subdivision unless the motor

C
O
P
Y



1 vehicles in question are provided with proof of financial
 2 responsibility of the type and in amounts as required of
 3 common carriers under section 44 of this chapter.

4 (5) Motor vehicles that are used to provide regular route
 5 intercity passenger service.

6 (6) Motor vehicles that are used primarily for van pooling or
 7 other ride sharing programs on a nonprofit basis.

8 (7) Motor vehicles that are used to provide transportation of
 9 passengers by a nonprofit corporation if that corporation
 10 receives revenue for the transportation service from federal,
 11 state, or local governments.

12 (8) A motor vehicle that:

13 (A) has a capacity of not less than seven (7) or more than
 14 forty (40) persons;

15 (B) is used to transport employees, including the driver,
 16 exclusively between their homes and their employer's place
 17 of business, or termini near those places, in a single daily
 18 round trip; and

19 (C) is owned or leased by an employer providing
 20 commuter van service, which means any person who
 21 provides or operates at least one (1) of those vehicles on a
 22 nonprofit basis, and whose service does not infringe upon
 23 or compete with any service that is provided by any
 24 common carrier regulated by the department.

25 (9) Motor vehicles certified as ambulances by the Indiana
 26 emergency medical services commission under IC 16-31.

27 (10) The casual, occasional, or reciprocal transportation of
 28 household effects or furniture for compensation, not including
 29 the transportation for hire of new household effects or
 30 furniture to or from a factory, warehouse, or store, by a
 31 person who:

32 (A) does not otherwise engage in the described
 33 transportation for compensation;

34 (B) is not required under this chapter to hold a certificate
 35 or permit to engage in transportation or operation for
 36 hire; or

37 (C) does not profess to engage in the business of
 38 transporting household effects or furniture for hire.

39 (b) This chapter does not apply to a limousine while the
 40 limousine is being used to transport at least one (1) person:

41 (1) from a place of departure; and

42 (2) to a destination;



C
O
P
Y

1 within the corporate boundaries of a city or town if the legislative
 2 body of the city or town has adopted an ordinance under
 3 IC 36-9-2-4 that takes effect after July 1, 1991, and that regulates
 4 limousines within the corporate boundaries of the city or town.

5 **Sec. 3. (a) The department shall:**

- 6 (1) supervise and regulate the administration of this chapter;
- 7 (2) fix just and reasonable rates, fares, and charges;
- 8 (3) adopt just and reasonable classifications and rules; and
- 9 (4) regulate and supervise the schedules, service, safety,
 10 methods, and hours of operation;

11 of every motor carrier subject to this chapter.

12 (b) The department may require the filing of annual and other
 13 reports and the submission of all records and information as is
 14 reasonably necessary.

15 **Sec. 4. (a) The department, any member of the department, or
 16 any authorized representative of the department, may:**

- 17 (1) upon demand, inspect the books, accounts, papers,
 18 records, memoranda, equipment, and premises of any
 19 common carrier or contract carrier;
- 20 (2) examine, under oath, any officer, agent, or employee of the
 21 common carrier or contract carrier in relation to its business
 22 affairs; and
- 23 (3) adopt rules for inspection of motor vehicles used by
 24 common carriers or contract carriers or brokers.

25 (b) Upon complaint in writing filed with the department or upon
 26 the department's own initiative without complaint, the department
 27 may investigate whether or not any person subject to this chapter
 28 has failed to comply with this chapter or with any requirement
 29 established under this chapter. If the department, after notice and
 30 hearing, finds, upon the investigation, that the person has failed to
 31 comply with any provision or requirement, the department shall
 32 issue an appropriate order to compel compliance.

33 **Sec. 5. (a) The department, any member of the department or
 34 any authorized representative of the department, may compel the
 35 attendance of witnesses, swear witnesses, take their testimony
 36 under oath, make record of the testimony, and after the record is
 37 made under the direction of a department, administrative law
 38 judge, or authorized representative of the department or the
 39 department may upon the record make an appropriate order.**

40 (b) The department may hear all petitions, applications, or
 41 motions filed with the department. Hearings may be conducted by
 42 the department, by any member of the department, or by any



C
O
P
Y

1 administrative law judge authorized by the department. In case the
 2 hearing is conducted by an administrative law judge, the
 3 administrative law judge must promptly, but not later than thirty
 4 (30) days after the conclusion of the hearing, unless the time is
 5 extended by order of the department:

6 (1) report to the department the facts established by the
 7 evidence; and

8 (2) submit a suggested order, showing the findings and a
 9 decision in the order, to the department.

10 (c) Orders recommended by an administrative law judge must
 11 be held for not less than ten (10) days during which time interested
 12 parties may file written exceptions to the orders. If no exceptions
 13 are filed, the finding of facts and decision in form of order
 14 suggested by the administrative law judge constitute the order of
 15 the department, unless the department directs otherwise.

16 Sec. 6. After a decision, order, or requirement has been made by
 17 the department in any proceeding under this chapter, any party to
 18 the proceeding may apply to the department for reconsideration or
 19 rehearing of the decision, order, or requirement, or of any matter
 20 determined in the decision, order, or requirement. The department
 21 may grant reconsideration or rehearing if there is sufficient reason
 22 in the decision, order, or requirement. Applications for
 23 reconsideration or rehearing are governed by rules prescribed by
 24 the department. If after reconsideration or rehearing, it appears
 25 that the original decision, order, or requirement is in any respect
 26 unjust and unwarranted, the department may change or modify
 27 the decision, order, or requirement accordingly. Any decision,
 28 order, or requirement made after reconsideration or rehearing is
 29 subject to the same provisions as the original decision, order, or
 30 requirement.

31 Sec. 7. (a) The department may, upon recommendation of the
 32 attorney general, subject to the approval of the governor, enter
 33 into an agreement or understanding with the Federal Highway
 34 Administration, any other appropriate agency of federal
 35 government, or with any other department or agency of another
 36 state, for the purpose of more effective economic regulation of
 37 motor carriers.

38 (b) In the furtherance of uniformity in the regulation of motor
 39 carriers, the department may by order or rule adopt orders,
 40 standards, or rules and regulations of the Federal Highway
 41 Administration, any other appropriate agency of the federal
 42 government, or another state or states as they affect motor



C
O
P
Y

1 carriers, whether or not specifically referred to under this chapter.

2 **Sec. 8.** The department may cooperate with other state agencies
3 in adopting combined uniform procedures and forms when in the
4 judgment of the affected agencies the action would be in the
5 interest of the state, its citizens, and any other person subject to
6 this chapter and to other related laws of state.

7 **Sec. 9.** The department may do and perform all reasonably
8 necessary things to carry out the purposes of this chapter, whether
9 specifically mentioned in this chapter or not, including the power,
10 subject to the approval of the governor, to employ and fix the
11 compensation of administrative law judges, investigators, clerks,
12 and other employees as are necessary for the effective
13 administration of this chapter.

14 **Sec. 10.** If a county, city, or town wants to establish a
15 transportation system that would compete with a motor carrier
16 that is:

- 17 (1) operating under the jurisdiction of the department; and
- 18 (2) providing transportation service in the territorial
19 jurisdiction of the county, city, or town;

20 the county, city, or town must first apply for and obtain a
21 certificate under sections 11 and 13 of this chapter.

22 **Sec. 11. (a)** A person may not, except as provided in this chapter,
23 transport passengers for compensation until after obtaining from
24 the department a certificate. A certificate may not be issued until
25 after a public hearing and a consideration of the service, if any,
26 rendered in the territory of the proposed motor vehicle operations
27 by other common carriers, whether by motor vehicle, railroad, or
28 otherwise.

29 **(b)** Operations exempt from the requirements of this section
30 include:

- 31 (1) special and charter operations; and
- 32 (2) taxicabs.

33 **Sec. 12. (a)** Except as provided in this chapter, a person may not
34 operate a motor vehicle upon an Indiana public highway to
35 transport household goods for compensation until the person has
36 obtained a certificate from the department.

37 **(b)** The department may issue a certificate under this section
38 only after conducting a public hearing and considering
39 transportation services provided by other carriers of household
40 goods by motor vehicle, railroad, or other means, that operate in
41 the proposed territory of the person that is applying for a
42 certificate.



C
O
P
Y

1 **Sec. 13. (a)** Upon the filing of an application for a certificate, the
 2 department shall, within a reasonable time, fix a time and place for
 3 public hearing in the city of Indianapolis, unless otherwise ordered
 4 by the department. A copy of the notice of hearing shall be mailed
 5 to the applicant at the address set out in the application at least ten
 6 (10) days before the hearing. Any person interested in the
 7 proceedings may appear in person or by attorney and offer
 8 evidence in support of or in opposition to the application and with
 9 or without the filing of formal pleadings.

10 **(b)** The applicant has, at all times, the burden of proving, by a
 11 preponderance of the evidence, that public convenience and
 12 necessity requires the proposed operation, and that the proposed
 13 operation will not unreasonably impair the public service of any
 14 authorized common carrier, or common carriers by motor vehicle
 15 or by railroad, then adequately serving the same territory.

16 **(c)** If the department finds from the evidence and from any
 17 additional investigation that the department causes to be made that
 18 public convenience and necessity exist for the service proposed, or
 19 any part of the service, the application shall be granted, subject to
 20 terms, restrictions, and limitations as the department may
 21 determine, otherwise, the application shall be denied.

22 **(d)** In determining whether a certificate shall be granted, the
 23 department may, among other things, consider the following:

24 **(1)** The financial ability of the applicant to furnish adequate
 25 service.

26 **(2)** Whether other transportation service then in existence is
 27 adequate.

28 **(3)** The effect upon other transportation service, and,
 29 particularly, whether the granting of the application will or
 30 may seriously impair that service.

31 **(4)** The volume of other traffic over the route proposed by the
 32 applicant.

33 **(5)** The effect and burden upon the highways and the bridges
 34 on the highways, and the use of the highways and bridges by
 35 the public.

36 **(6)** Whether the operations will threaten the safety of the
 37 public or be detrimental to the public welfare.

38 **Sec. 14. (a)** A common carrier by motor vehicle operating under
 39 any certificate may not deviate from the route over which or the
 40 fixed termini between which it is authorized to operate under the
 41 certificate, except under such general or special rules as prescribed
 42 by the department.



C
O
P
Y

1 (b) A person who violates this section commits a Class C
2 infraction.

3 Sec. 15. Any certificate or permit or part owned, held, or
4 obtained by the carrier may be sold, assigned, leased, bequeathed,
5 or transferred as other property upon approval by the department.
6 The department may inquire into the responsibility of the person
7 obtaining or seeking to obtain ownership or control of any
8 certificate or permit or part, the person's readiness, ability, and
9 willingness to perform the service proposed, and whether the
10 proposed service, to the extent authorized by the certificate or
11 permit, is or will be consistent with the public interest and the state
12 transportation policy declared in this title. If the department finds
13 the person to be irresponsible or unable to render satisfactory and
14 adequate service under the certificate or permit or part, or if it
15 finds that the transfer will not be consistent with the public
16 interest, the department may enter an order denying the transfer,
17 in whole or in part. However, a certificate or permit, or part, may
18 not be sold, assigned, leased, bequeathed, or transferred except
19 after a public hearing before the department and after notice as
20 required for other hearings before the department.

21 Sec. 16. A person may not operate motor vehicles as a contract
22 carrier over the public highways for the transportation of persons
23 or household goods for compensation without first having obtained
24 from the department a contract carrier permit.

25 Sec. 17. (a) Upon the filing of an application under this chapter
26 for contract carrier authority to operate motor vehicles in
27 intrastate commerce, the department shall, within a reasonable
28 time, fix a time and place for a public hearing in the city of
29 Indianapolis, unless otherwise ordered by the department. A copy
30 of the notice of hearing shall be mailed to the applicant, at the
31 address set out in the application, at least ten (10) days before the
32 date set for hearing. Any person interested in the proceedings may
33 appear in person, or by counsel, and offer any evidence either in
34 support of, or in opposition to, the granting of the authority
35 requested in the application.

36 (b) In determining whether requested contract authority should
37 be granted, the department shall, among other things, consider the
38 following factors:

- 39 (1) The financial ability of the applicant to furnish adequate
40 contract carrier service.
- 41 (2) The effect of granting the requested authority on another
42 transportation service then in existence, and particularly



C
O
P
Y

1 whether the granting of authority will seriously impair that
 2 other service and will unreasonably impair the efficient public
 3 service of any certificated common carrier by motor vehicle,
 4 or by railroad, then adequately serving the same territory.

5 (3) Whether or not any certificated common carrier by motor
 6 vehicle, or by railroad, then serving the same territory, will
 7 furnish transportation services designed to meet the distinct
 8 need of the supporting contract shipper or shippers.

9 (c) If the department, after hearing, determines that the
 10 proposed operation, as requested in the application, meets all of the
 11 requirements of contract carriage, as described in this chapter, and
 12 that the applicant is qualified in all respects to perform the
 13 proposed operation, the department shall approve the application
 14 and issue the requested authority, subject to terms, restrictions,
 15 and limitations as determined by the department.

16 (d) The department shall specify and name in the permit the
 17 name of the contracting person. The scope of the permit shall be
 18 attached at the time of issuance, along with any reasonable terms,
 19 conditions, and limitations consistent with the character of the
 20 holder as a contract carrier.

21 Sec. 18. (a) Notwithstanding IC 24-1-2-1 and in accordance with
 22 49 U.S.C. 11343, common carriers may:

23 (1) establish by agreement through routes and joint rates,
 24 charges, and classifications with other common carriers and
 25 with common carriers by railroads, or by water, and every
 26 common carrier shall provide safe and adequate service,
 27 equipment, and facilities for the transportation of passengers
 28 or household goods in intrastate and interstate commerce;
 29 and

30 (2) establish, observe, and enforce just and reasonable rates,
 31 fares, charges, and classifications, and just and reasonable
 32 regulations and practices relating to rates, fares, charges, and
 33 classifications, and to the issuance, form, and substance of
 34 tickets, receipts, bills of lading, the carrying of baggage, and
 35 all other matters relating to or connected with the
 36 transportation of passengers or household goods in both
 37 intrastate and interstate commerce, and in case of joint rates
 38 and charges, to establish just, reasonable, and equitable
 39 division of joint rates and charges between the carriers
 40 participating in the joint rates and charges.

41 (b) It is unjust discrimination and unlawful for any common
 42 carrier by motor vehicle to make, give, or cause any undue or



C
O
P
Y

1 unreasonable preference or advantage to any particular person or
2 locality in connection with the transportation of any persons or
3 household goods, or to subject any particular person or locality to
4 any undue or unreasonable prejudice, delay, or disadvantage in
5 any respect.

6 (c) Every common carrier by motor vehicle that fails or refuses
7 to receive and transport without unreasonable delay or
8 discrimination the passengers or household goods tendered for
9 transportation and deliver without unreasonable delay or
10 discrimination those passengers or household goods at destination
11 or to the transfer point of the route of any connecting common
12 carrier by motor vehicle or railroad is guilty of unjust
13 discrimination.

14 (d) It is unjust discrimination for any common carrier to charge
15 or receive any greater compensation for the transportation of
16 passengers or household goods for a shorter than for a longer
17 distance over the same line in the same direction, the shorter
18 distance being included in the longer.

19 Sec. 19. (a) Any person or governmental entity may complain in
20 writing to the department that any rate, fare, charge, tariff,
21 classification, rule or practice in effect, or proposed to be put in
22 effect by any carrier or carriers is, or will be, in violation of this
23 chapter. When such a complaint is made, the department shall,
24 after due notice to the carrier or carriers complained of, hear the
25 complaining parties.

26 (b) If the department believes that any individual or joint rate,
27 fare, tariff, charge, or classification being made or demanded by
28 any common carrier or carriers subject to this chapter or by any
29 common carriers operating in conjunction with common carriers
30 by railroads or by water is, or will be, unjust, unlawful,
31 unreasonable, or unjustly discriminatory, or unduly preferential
32 or unduly prejudicial, it shall determine and prescribe lawful
33 maximum or minimum, and maximum and minimum rates, fares,
34 charges, tariffs, rules, and classifications thereafter to be observed
35 or thereafter to be made effective. The department may, on its own
36 initiative, without complaint, whenever deemed by the department
37 to be necessary and desirable in the public interest, establish
38 through routes, joint classifications, joint rates, fares, charges,
39 tariffs, regulations, or practices for the transportation of
40 passengers or household goods by common carriers by motor
41 vehicle or the carrier by railroad or by water, and may fix the
42 maximum or minimum rates to be charged and the terms and



1 conditions under which the fares and charges shall be applied and
2 the routes to be operated.

3 (c) The department may, after hearing or on its own initiative,
4 prescribe what the just, reasonable, and equitable division of rates,
5 fares, and charges are to be received and collected by the several
6 carriers and require adjustment to be made between those carriers
7 in accordance therewith. In those cases the department may
8 require adjustment or division between the carriers from the date
9 of filing the complaint or the entry of the order or any other date
10 subsequent thereto as the department finds is just and reasonable,
11 and in case joint rates are fixed by the department, the order as to
12 those divisions may be made effective as of the date on which the
13 investigation was ordered.

14 **Sec. 20. (a)** This section applies whenever there is filed with the
15 department any schedule stating a new individual or joint rate,
16 fare, charge, or classification for the transportation of passengers
17 or household goods by a common carrier or carriers by motor
18 vehicle, or by a carrier or carriers in conjunction with a common
19 carrier or carriers by railroad or water in intrastate commerce, or
20 any rule or practice affecting the rate, fare, or charge, or the value
21 of the service.

22 (b) Upon complaint of any interested party or upon its own
23 initiative at once and if it so orders, without answer or other
24 formal pleading by the interested carrier or carriers but upon
25 reasonable notice, the department may enter upon a hearing
26 concerning the lawfulness of a rate, fare, or charge, or a rule or
27 practice. Pending the hearing and the decision on the hearing, the
28 department, by filing with the schedule and delivering to the
29 carrier or carriers affected by the hearing a statement in writing
30 of its reasons for the suspension, may from time to time suspend
31 the operation of the schedule and defer the use of the rate, fare,
32 charge, or classification, or the rule, regulation, or practice, but not
33 for a longer period than one hundred eighty (180) days beyond the
34 time when it would otherwise go into effect. After hearing, whether
35 completed before or after the rate, fare, charge, classification, rule
36 or practice goes into effect, the department may make the order
37 with reference thereto as would be proper in a proceeding
38 instituted after it has become effective.

39 (c) If the proceeding has not been concluded and an order made
40 within the period of suspension, the proposed change of rate, fare,
41 or charge, or classification, rule or practice, goes into effect at the
42 end of the period.



C
O
P
Y

1 (d) At any hearing involving a change in a rate, fare, charge, or
 2 classification or in a rule or practice, the burden of proof is on the
 3 carrier to show that the proposed rate, fare, charge, classification,
 4 rule or practice is just and reasonable.

5 Sec. 21. (a) In the exercise of its power to prescribe just and
 6 reasonable rates, fares, and charges for the transportation of
 7 passengers or household goods by common carriers by motor
 8 vehicle, and related classifications, regulations, and practices, the
 9 department shall give due consideration, among other factors, to:

10 (1) the inherent advantages of transportation by those
 11 carriers;

12 (2) the effect of rates upon the movement of traffic by the
 13 carrier or carriers for which the rates are prescribed;

14 (3) the need, in the public interest, of adequate and efficient
 15 transportation service by such carriers at the lowest cost
 16 consistent with the furnishing of service; and

17 (4) the need of revenues sufficient to enable such carriers
 18 under honest, economical, and efficient management to
 19 provide service.

20 (b) In determining the reasonableness of fares, rates, and
 21 charges of motor carriers of passengers or household goods, the
 22 department shall determine that the revenue is sufficient to cover
 23 the cost (including all operating expenses, depreciation accruals,
 24 rents, and taxes of every kind) of providing adequate
 25 transportation service and reasonable profit to the carrier. The
 26 relation of carrier expenses to carrier revenues may be considered
 27 the proper test of a reasonable profit.

28 Sec. 22. (a) All civil actions by carriers for recovery of their
 29 charges or any part must be brought within two (2) years after the
 30 time the cause of action accrues.

31 (b) For recovery of overcharges, civil actions must be brought
 32 or complaints filed with the department against carriers subject to
 33 this chapter within two (2) years after the time the cause of action
 34 accrues, subject to subsection (c). However, if claim for the
 35 overcharge has been presented in writing to the carrier within the
 36 two (2) year period of limitation, the period shall be extended to
 37 include six (6) months after the time notice in writing is given by
 38 the carrier to the claimant of disallowance of the claim or any part
 39 specified in the notice.

40 (c) If on or before the expiration of the two (2) year period of
 41 limitation in subsection (a) or (b), a carrier subject to this chapter
 42 begins an action under subsection (a) for recovery of charges in



C
O
P
Y

1 respect of the same transportation service or without beginning
2 action collects charges in respect of that service, the period of
3 limitation shall be extended to include ninety (90) days after the
4 time the action is begun or charges are collected by the carrier.

5 (d) As used in this section, "overcharges" means charges for the
6 transportation services that exceed those applicable to the services
7 under the tariffs lawfully on file with the department.

8 **Sec. 23. (a)** Every common carrier by motor vehicle shall file
9 with the department, and print and keep open to public inspection,
10 tariffs showing all rates, fares, charges for transportation, and all
11 service in connection therewith, of passengers or household goods
12 in intrastate commerce between points:

- 13 (1) on its own route;
14 (2) on the route of any other common carrier; or
15 (3) on the route of any common carrier by railroad;
16 when and as through routes and joint rates are established.

17 (b) The department may prescribe the form and manner in
18 which the tariffs shall be published and may reject any tariff filed
19 with it that is not in compliance with this section. When so rejected,
20 the tariff is void, and its use shall be unlawful.

21 (c) A common carrier by motor vehicle shall not charge,
22 demand, collect, or receive a greater or less or different
23 compensation for transportation or for any service in connection
24 therewith between points enumerated in the tariff than the rates,
25 fares, and charges specified in the tariffs in effect at the time. A
26 carrier shall not refund or remit in any manner or by any device,
27 directly or indirectly, personally or by agent, any portion of rates,
28 fares, or charges so specified, and shall not extend to any person
29 any facilities for transportation except as are specified in its tariffs.

30 (d) A change may not be made in any fare, charge, rule or
31 practice for or in connection with the transportation of passengers
32 or household goods except after thirty (30) days notice of the
33 proposed change. The notice must plainly state the change
34 proposed to be made and the effective date of the change. The
35 department, upon complaint or upon the department's own
36 motion, may suspend any tariff making any changes provided in
37 this chapter within twenty (20) days after the filing of the tariff and
38 not thereafter.

39 (e) The department may, for good cause shown, allow changes
40 upon notice in less time than specified and permit tariffs to be filed
41 and become effective in particular instances on shorter notice than
42 stated in subsection (d).

C
O
P
Y

1 (f) Whenever the carrier operating a local transportation system
 2 wholly within one (1) county files a tariff or schedule of increased
 3 rates or fares affecting its patrons in any municipality in which the
 4 carrier renders service, the carrier shall give notice by registered
 5 mail, on the date the tariff is filed with the department, to the
 6 executive and legislative body of the municipality and shall enclose
 7 a copy of the tariff filed with the department.

8 (g) A common carrier by motor vehicle shall not engage in the
 9 transportation of passengers or household goods unless the tariffs
 10 have been filed and published in accordance with this chapter.

11 **Sec. 24. (a) Every contract carrier by motor vehicle shall:**

12 (1) establish and observe reasonable minimum rates, fares,
 13 and charges for any service rendered or to be rendered in the
 14 transportation of passengers or household goods or in
 15 connection with the transportation of passengers or household
 16 goods;

17 (2) establish and observe reasonable regulations and practices
 18 to be applied in connection with those reasonable minimum
 19 rates, fares, and charges; and

20 (3) file with the department, publish, and keep open for public
 21 inspection, in the form and manner prescribed by the
 22 department, schedules, or, by consent of contracting parties
 23 in lieu of schedules, copies of contracts, containing the
 24 minimum rates, fares, or charges of the carrier for the
 25 transportation of passengers or household goods in intrastate
 26 commerce, and any rule or practice affecting the rates, fares,
 27 or charges and the value of the service under the rates, fares,
 28 or charges.

29 (b) A contract carrier may not, unless otherwise provided by
 30 this chapter, engage in the transportation of passengers or
 31 household goods in intrastate commerce unless the minimum
 32 charges for the transportation by the carrier have been published,
 33 filed, and posted in accordance with this chapter. A reduction may
 34 not be made in the charge either directly or by means of any
 35 change in any rule or practice affecting the charge or the value of
 36 service under the charge, except after thirty (30) days notice of the
 37 proposed change filed in the required form and manner the
 38 department may, for good cause shown, allow a change upon less
 39 notice. However, the notice must plainly state the change proposed
 40 to be made and the time when the change will take effect.

41 (c) A carrier shall not demand, charge, or collect less
 42 compensation for the transportation than the charges filed in



C
O
P
Y

1 accordance with this section, as affected by any rule or practice so
 2 filed, or as may be prescribed by the department. It is unlawful for
 3 the carrier, by the furnishing of special service, facilities, or
 4 privileges, or by any other device, to charge, accept, or receive less
 5 than the minimum charges so filed or prescribed. The carrier, or
 6 any class or group, of the carrier may apply to the department for
 7 relief from this subsection, and the department may, after hearing,
 8 grant relief to the extent, for the time, and in the manner as in its
 9 judgment is consistent with the public interest.

10 (d) Whenever, after hearing, upon complaint or upon its own
 11 initiative, the department finds that any minimum rate, fare, or
 12 charge of any contract carrier by motor vehicle, or any rule,
 13 regulation, or practice of the carrier affecting the minimum rate,
 14 fare, or charge, or the value of the service, for the transportation
 15 of passengers or household goods or in connection under the rate,
 16 fare or charge, is in violation of any provision of this chapter, the
 17 department may prescribe that transportation, just and reasonable
 18 minimum rates, fare, or charge, or a rule, regulation, or practice
 19 as judgment is necessary in the public interest and will not be in
 20 violation of any provision of this chapter. The minimum rate, fare,
 21 or charge, or rule or practice, prescribed by the department, may
 22 not give an advantage or preference to the carrier in competition
 23 with any common carrier by motor vehicle subject to this chapter,
 24 which the department may find to be undue or inconsistent with
 25 the public interest, and the department shall give due consideration
 26 to the cost of the services rendered by those carriers, and to the
 27 effect of the minimum rate, fare, or charge, or rule, regulation, or
 28 practice, upon the movement of traffic by such carriers. All
 29 complaints must state fully the facts complained of and the reasons
 30 for the complaint and shall be made under oath.

31 Sec. 25. (a) This section applies whenever there is filed with the
 32 department by the contract carrier any schedule or contract
 33 stating a charge for a new service or a reduced charge directly, or
 34 by means of any rule or practice, for the transportation of
 35 passengers or household goods in intrastate commerce.

36 (b) Upon complaint of interested parties or upon its own
 37 initiative at once and, if it so orders, without answer or other
 38 formal pleading by the interested party, but upon reasonable
 39 notice, the department may enter upon a hearing concerning the
 40 lawfulness of the charge, rule, or practice. Pending the hearing and
 41 the decision on the complaint, the department, by filing with the
 42 schedule and delivering to the carrier affected thereby a statement



C
O
P
Y

1 in writing of its reasons for the suspension, may periodically
2 suspend the operation of the schedule and defer the use of the
3 charge, rule, regulation, or practice, but not for a longer period
4 than one hundred eighty (180) days beyond the time when it would
5 otherwise go into effect. After hearing, whether completed before
6 or after the charge, or rule or practice goes into effect, the
7 department may make the order with reference thereto as would
8 be proper in a proceeding instituted after it had become effective.

9 (c) If the proceeding has not been concluded and an order made
10 within the period of suspension, the proposed change in any charge
11 or rule, regulation, or practice goes into effect at the end of the
12 period.

13 **Sec. 26. (a)** The department may require any contract motor
14 carrier to file with it a true copy of any contract, agreement, or
15 arrangement between the carrier and any person in relation to any
16 traffic affected by this chapter. The department shall not, however,
17 make public the contract, agreement, or arrangement between a
18 contract carrier by motor vehicle and a shipper, or any of the
19 terms or conditions of the contract except as a part of the record
20 in a formal proceeding where it considers that action consistent
21 with the public interest.

22 (b) If it appears from an examination of the contract that it fails
23 to conform to the published schedule of the contract carrier by
24 motor vehicle as required by this chapter, the department may
25 make public such of the provisions of the contract as the
26 department considers necessary to disclose the failure and the
27 extent of the failure.

28 (c) This section does not apply to contracts filed instead of
29 schedules.

30 **Sec. 27. (a)** A person shall not for compensation sell or offer for
31 sale transportation subject to this chapter, make any contract,
32 agreement, or arrangement to provide, procure, furnish, or
33 arrange for the transportation of passengers, or profess by
34 advertisement, solicitation, or otherwise as one who sells, provides,
35 procures, contracts, or arranges for the transportation of
36 passengers, unless the person holds a broker's license issued by the
37 department to engage in the transactions. A person may not engage
38 in transportation subject to this chapter unless the person holds a
39 certificate or a permit as provided in this chapter. In the execution
40 of any contract, agreement, or arrangement to sell, provide,
41 procure, furnish, or arrange for the transportation of passengers,
42 a person may not employ any common or contract carrier who is

C
O
P
Y



1 not the lawful holder of an effective certificate or permit issued as
2 provided in this chapter.

3 (b) This section does not apply to any carrier holding a
4 certificate or a permit under this chapter or to any employee or
5 agent of the motor carrier, so far as concerns transportation to be
6 furnished wholly by the carrier or jointly with other motor
7 carriers holding like certificates or permits, or with a common
8 carrier by railroad, express, or water.

9 (c) A brokerage license shall be issued to any qualified applicant
10 for a brokerage license, authorizing any part of the operations
11 covered by the application, if it is found that the applicant is fit,
12 willing, and able to properly perform the service proposed and to
13 conform to this chapter and the requirements, and rules of the
14 department thereunder, and that the proposed service, to the
15 extent to be authorized by the license, is or will be consistent with
16 the public interest, otherwise the application shall be denied.

17 (d) The department shall prescribe reasonable rules for the
18 protection of travelers by motor vehicle to be observed by any
19 person holding a brokerage license, and no such license may be
20 issued or remain in effect unless the person furnishes a bond or
21 other security approved by the department, in a form and amount
22 as will insure financial responsibility and the supplying of
23 authorized transportation in accordance with contracts,
24 agreements, or arrangements for the transportation.

25 (e) The department and its special agents and examiners have
26 the same authority as to accounts, reports, and records, including
27 inspection and preservation of the accounts, reports, and records,
28 of any person holding a brokerage license issued under this section
29 that the department and the department's special agents and
30 examiners have under this chapter with respect to motor carriers
31 subject to this chapter.

32 (f) A person who violates this section commits a Class C
33 infraction.

34 **Sec. 28.** Regardless of exempt status with regard to certificates
35 of convenience and public necessity, all motor vehicles transporting
36 persons or household goods must comply with IC 6-6.1-15-18.

37 **Sec. 29.** A person may not operate any motor vehicle over the
38 public highways for hire, unless the operations are specifically
39 exempt under this chapter, without first having obtained
40 appropriate operating authority from the department to do so, and
41 having otherwise complied with all other applicable provisions of
42 this chapter.

C
O
P
Y

1 **Sec. 30. (a)** Any certificate or permit, upon application of the
 2 holder of the certificate or permit, in the discretion of the
 3 department, may be amended or revoked in whole or in part, or
 4 may, upon complaint or on the department's own initiative, after
 5 notice and hearing, be suspended, changed or revoked in whole or
 6 in part for willful failure to comply with any provision of this
 7 chapter, or with any lawful order or rule prescribed by the
 8 department, or with any term, condition, or limitation of the
 9 certificate or permit.

10 **(b)** In any cause instituted by the department on its own
 11 initiative, the burden is on the carrier to show cause why the
 12 certificate or permit should not be suspended, changed, or revoked
 13 in whole or in part and the department, by its authorized
 14 representative, may introduce evidence in the hearing.

15 **Sec. 31.** The department may suspend or revoke the license of
 16 any broker for any violation of this chapter or any rule issued
 17 thereunder by the department. The fee for a broker's license is one
 18 hundred dollars (\$100), which shall be paid at the time the
 19 application is made and shall be disposed of in the manner as other
 20 fees which are collected by the department. Any license so issued
 21 to any broker remains valid until surrendered or revoked.

22 **Sec. 32.** This chapter applies to persons engaged in the
 23 transportation of passengers or household goods over the public
 24 highways regardless of whether that transportation is interstate or
 25 intrastate, except to the extent this chapter contravenes the
 26 Constitution of the United States or federal laws.

27 **Sec. 33.** A person who is engaged in the intrastate transportation
 28 of passengers or household goods must register under the single
 29 state registration system in accordance with rules adopted by the
 30 department under IC 4-22-2 before operating a motor vehicle upon
 31 a public highway located in Indiana.

32 **Sec. 34. (a)** Every nonresident common carrier and contract
 33 carrier regulated under this chapter shall file, and keep on file,
 34 with the department a designation in writing of the name and post
 35 office address of a citizen and resident of Indiana upon whom
 36 service of notices or orders may be made, and upon whom process
 37 issued by or under the authority of any court having jurisdiction
 38 of the subject matter may be served in any proceeding at law or
 39 equity brought against such a carrier.

40 **(b)** Service of notices or orders in proceedings under this
 41 chapter may be made upon the carrier by personal service upon it,
 42 or upon the citizen so designated by it, or by registered mail



C
O
P
Y

1 addressed to it at the last address shown by the records of the
2 department.

3 (c) In default of that designation, in case of vacancy, or if for
4 any other reason personal service cannot be had upon the carrier,
5 service of the notice or order may be made by serving two (2)
6 copies upon the department. When service is had upon the
7 department as provided in this subsection, the department shall
8 promptly mail one (1) copy of the notice or order served upon him
9 to the carrier by registered mail at the last address shown by the
10 records of the department, and the date of mailing shall be
11 considered as the time when notice is served.

12 **Sec. 35.** In addition to the other powers conferred in this chapter
13 upon the department, it may designate from time to time the public
14 highways, as routes, over which carriers subject to this chapter
15 may or may not operate, and may designate the time that the
16 vehicles may or may not be operated on public highways, so as to
17 prevent congestion that may affect the safety of persons or
18 property upon the public highways. The department may also
19 provide for the enforcement of its orders and the notice of the
20 orders, if any, that shall be given to such carriers.

21 **Sec. 36.** In addition to all other powers granted to the
22 department under this chapter, the department may issue, in
23 accordance with its rules, "temporary authority" or "emergency
24 temporary authority" to persons to whom permanent permits or
25 certificates have been issued, or to persons who have filed new
26 applications for permanent permits or certificates, and also to
27 persons when there appears a necessity to make one (1) trip or
28 occasional trips.

29 **Sec. 37.** In addition to all other powers granted to the
30 department under this chapter, the department may suspend, in
31 whole or in part, any certificate or permit, upon the application of
32 the holder thereof, without notice, for the duration of a declared
33 war or a declared national emergency and for a period of six (6)
34 months thereafter, or for any lesser time.

35 **Sec. 38. (a)** A person, whether carrier, shipper, or officer,
36 employee, agent, or representative thereof, shall not knowingly
37 offer, grant, give, solicit, accept, or receive any rebate,
38 consideration, or discrimination in violation of this chapter. A
39 person shall not, by means of any false or fictitious bill, bill of
40 lading, receipt, voucher, account, claim, certificate, affidavit,
41 deposition, lease, or bill of sale, or by any other means or device,
42 knowingly assist or permit any person to obtain transportation of



C
O
P
Y

1 passengers or household goods subject to this chapter for less than
 2 the rate, fare, or charge approved by the department. A person
 3 shall not knowingly, by any such means or otherwise, fraudulently
 4 seek to evade or defeat regulations as in this chapter provided for
 5 motor carriers.

6 (b) An operator of a motor vehicle for hire, which vehicle
 7 belongs to or is leased by an intrastate or interstate common or
 8 contract carrier for hire, who transports persons or household
 9 goods over the highways without required authority issued by the
 10 department, shall not operate the motor vehicle until the owner or
 11 lessor has secured the required authority from the department, but
 12 the offender shall be given an opportunity to secure the services of
 13 a certificated carrier, having the required authority, to transport
 14 the lading on the offender's motor vehicle to its intended
 15 destination.

16 (c) A person who violates this section commits a Class C
 17 infraction.

18 Sec. 39. All registrations of motor vehicles required in this
 19 chapter expire December 31 of each year, and each motor vehicle
 20 continued in service shall be registered for each year.

21 Sec. 40. (a) All applications under this chapter for a common
 22 carrier certificate or a contract carrier permit to operate motor
 23 vehicles, intrastate or interstate, shall be made on forms prescribed
 24 by the department.

25 (b) All applications for a common carrier certificate of public
 26 convenience and necessity, or a contract carrier permit, to operate
 27 motor vehicles intrastate on the public highways, which
 28 applications require a public hearing thereon, shall be
 29 accompanied by a filing fee of fifty dollars (\$50). Each petition for
 30 reinstatement of a common carrier certificate of public
 31 convenience and necessity, or a contract carrier permit, to operate
 32 motor vehicles intrastate, on the highways of this state, shall be
 33 accompanied by a filing fee of fifty dollars (\$50).

34 (c) All applications for a temporary certificate of public
 35 convenience and necessity, or for a contract carrier permit to
 36 operate motor vehicles on the highways of this state in intrastate
 37 commerce, shall be accompanied by a filing fee of fifty dollars
 38 (\$50).

39 (d) All applications for a change in the name of the holder of a
 40 common carrier certificate of public convenience and necessity, of
 41 a common carrier certificate of authority or certificate of
 42 registration, or of a contract carrier permit, which change of name



C
O
P
Y

1 does not involve a change in the ownership of the operating rights
 2 of the certificate or permit holder, shall be made by verified
 3 petition to the department, and the applications shall be
 4 accompanied by a filing fee of twenty-five dollars (\$25).

5 (e) In addition to the filing fees prescribed in subsection (b), all
 6 applications for a common carrier certificate of public convenience
 7 and necessity, or for a contract carrier permit, to operate motor
 8 vehicles intrastate, on the public highways, which applications
 9 require a public hearing thereon, shall be accompanied by a
 10 publication fee of twenty dollars (\$20). Whenever any
 11 republication is required through no fault of the department, the
 12 party responsible therefor shall be required to pay an additional
 13 publication fee of twenty dollars (\$20) for each republication.

14 (f) Each petition for rehearing of an application for a common
 15 carrier certificate of public convenience and necessity, or for a
 16 contract carrier permit, to operate motor vehicles intrastate, on the
 17 public highways, shall be accompanied by a filing fee of twenty-five
 18 dollars (\$25).

19 (g) Each application or petition for alteration or change of a
 20 common carrier certificate of public convenience and necessity, or
 21 a contract carrier permit, to operate motor vehicles intrastate, on
 22 the public highways, shall be accompanied by a filing fee of fifty
 23 dollars (\$50).

24 (h) Each application requesting permission to deviate from the
 25 department's tariff publishing regulations shall be accompanied by
 26 a filing fee of fifteen dollars (\$15).

27 **Sec. 41. (a)** An intrastate motor carrier regulated under this
 28 chapter shall display identification, in the method prescribed by
 29 rules of the department, on each motor vehicle it operates.

30 (b) A person who violates this section commits a Class C
 31 infraction.

32 **Sec. 42.** All fees prescribed in this chapter shall be paid to the
 33 treasurer of state through the department and deposited in the
 34 motor carrier regulation fund.

35 **Sec. 43. (a)** A motor carrier regulated under this chapter that
 36 augments equipment, interchanges equipment, or leases
 37 equipment, with or without drivers, shall comply with the rules of
 38 the department governing lease and interchange of vehicles.

39 (b) A person who violates this section commits a Class C
 40 infraction.

41 **Sec. 44. (a)** Notwithstanding any other provision of this chapter,
 42 common and contract carriers and other carriers engaged in the

C
O
P
Y



1 transportation of passengers or household goods for hire, over
 2 regular or irregular routes, whether operating under a certificate
 3 or permit or as an exempt carrier under section 2(5) of this
 4 chapter, shall file with the department proof of financial
 5 responsibility in the form of surety bonds or policies of insurance
 6 or shall qualify as a self-insured. The minimum level of financial
 7 responsibility required shall be the minimum level established
 8 under 49 U.S.C. 10927(a)(1).

9 (b) A person who violates this section commits a Class C
 10 infraction. However, the offense is a Class A misdemeanor if the
 11 person has a prior unrelated judgment for violating this section.

12 (c) In addition to any other penalty imposed upon a person for
 13 a conviction of a Class A misdemeanor under subsection (b), the
 14 law enforcement agency may impound the vehicles owned by the
 15 person. Unless the vehicle is impounded or forfeited under a law
 16 other than this section, the vehicle shall be released to the carrier
 17 when the carrier complies with this section.

18 Chapter 14. Motor Carrier Regulation Fund

19 Sec. 1. The motor carrier regulation fund is established for the
 20 purpose of funding:

- 21 (1) the administration and enforcement of this article; and
- 22 (2) the administration and enforcement of IC 6-8.1-4-4.

23 Sec. 2. The treasurer of state shall deposit fees collected under
 24 this article in the motor carrier regulation fund.

25 Sec. 3. The treasurer of state shall invest the money in the motor
 26 carrier regulation fund not currently needed to meet the
 27 obligations of the fund in the same manner as other public funds
 28 may be invested.

29 Sec. 4. Money in the motor carrier regulation fund does not
 30 revert to the state general fund.

31 Chapter 15. Intrastate Motor Carrier Safety and Insurance 32 Certification

33 Sec. 1. This chapter applies to the certification of a motor
 34 carrier providing intrastate transportation by motor vehicle of
 35 property for compensation.

36 Sec. 2. Section 18 of this chapter applies to the regulation of the
 37 following persons:

- 38 (1) A motor carrier described in section 1 of this chapter.
- 39 (2) A private carrier of property.

40 Sec. 3. Except as provided in section 18 of this chapter, this
 41 chapter does not apply to the following:

- 42 (1) Motor vehicles used exclusively for carrying United States

C
O
P
Y



- 1 mail.
- 2 (2) Motor vehicles while being used or operated under the
- 3 control, direction, and supervision of:
- 4 (A) the United States government, the state, or a political
- 5 subdivision; or
- 6 (B) the board of trustees of a state institution.
- 7 (3) Motor vehicles while transporting supplies, livestock feed
- 8 ingredients, fertilizer, or fertilizing materials that are in
- 9 transit to or from farms.
- 10 (4) Motor vehicles:
- 11 (A) controlled and operated by a farmer when used in the
- 12 transportation of the farmer's agricultural commodities
- 13 and products of those commodities or in the transportation
- 14 of supplies to the farm;
- 15 (B) controlled and operated by a nonprofit agricultural
- 16 cooperative association (or by a federation of agricultural
- 17 cooperative associations if the federation does not possess
- 18 greater powers or purposes than the cooperative
- 19 associations);
- 20 (C) used in carrying property consisting of livestock or
- 21 agricultural commodities (not including manufactured
- 22 products) if the motor vehicles are not used in carrying:
- 23 (i) other property;
- 24 (ii) agricultural commodities; or
- 25 (iii) passengers;
- 26 for compensation; or
- 27 (D) used in carrying livestock feed or feed ingredients, if
- 28 those products are transported to a site of agricultural
- 29 productions or to a business enterprise engaged in the sale
- 30 of agricultural goods to a person engaged in agricultural
- 31 production.
- 32 This chapter shall not be construed to apply to motor vehicles
- 33 owned, leased, controlled, or operated by a nonprofit
- 34 cooperative association, either incorporated or
- 35 unincorporated, that was in existence on July 6, 1961.
- 36 (5) The casual, occasional, or reciprocal transportation of
- 37 household effects or furniture for compensation, not including
- 38 the transportation for hire of new household effects or
- 39 furniture to or from a factory, warehouse, or store, by a
- 40 person who does not otherwise engage in the type of
- 41 transportation for compensation or who is not required by
- 42 this chapter to hold a certificate or permit to engage in the

C
O
P
Y

- 1 transportation or operation for hire who does not profess to
 2 engage in the business of transporting household effects or
 3 furniture for hire.
- 4 (6) Motor vehicles, commonly known as armored cars, used
 5 exclusively to transport, underwritten bilateral contract, coin,
 6 currency, bullion, securities, precious metals, jewelry,
 7 precious stones, money, legal tender, stocks and bonds,
 8 negotiable and nonnegotiable instruments and securities,
 9 postage and revenue stamps, and other valuable documents
 10 and rare objects.
- 11 (7) Trucks with a declared gross weight of not more than
 12 forty-eight thousand (48,000) pounds transporting nonliquid
 13 bulk or bag fertilizers.
- 14 (8) Motor vehicles while being used to transport chemicals
 15 that are used to melt ice and packed snow on roads and streets
 16 if the chemicals are owned by and being delivered to the state
 17 or a political subdivision for use on roads and streets.
- 18 (9) Trucks with a declared gross weight of not more than
 19 forty-six thousand (46,000) pounds transporting aggregate
 20 materials (mineral or rock fragments) in bulk when the
 21 person providing the transportation owns or leases not more
 22 than one (1) truck for those purposes.
- 23 (10) Motor vehicles used for the transportation of household
 24 goods.
- 25 **Sec. 4. The department may:**
- 26 (1) certify a motor carrier providing transportation of
 27 property for compensation; and
- 28 (2) regulate and supervise safety, insurance, methods, and
 29 hours of operation of a motor carrier providing
 30 transportation of property.
- 31 **Sec. 5. The department may require the filing of annual and**
 32 **other reports and the submission of all records and information**
 33 **necessary to aid the department in the exercise of the powers**
 34 **granted by this chapter. The department, a member of the**
 35 **department, or an authorized representative of the department,**
 36 **may:**
- 37 (1) upon demand, inspect the books, accounts, papers,
 38 records, memoranda, equipment, and premises of a motor
 39 carrier;
- 40 (2) examine, under oath, any officer, agent, or employee of a
 41 motor carrier in relation to the motor carrier's business
 42 affairs; and

C
O
P
Y

1 (3) prescribe rules for inspection of motor vehicles used by the
2 motor carrier.

3 **Sec. 6.** Upon complaint in writing filed with the department or
4 upon the department's own initiative without complaint, the
5 department may investigate whether a person subject to this
6 chapter has failed to comply with this chapter.

7 **Sec. 7.** If the department, after notice and hearing, finds, in an
8 investigation, that a person has failed to comply with this chapter,
9 the department shall issue an appropriate order to compel
10 compliance.

11 **Sec. 8.** The department, a member of the department, or an
12 authorized representative of the department, may:

- 13 (1) compel the attendance of witnesses;
14 (2) swear witnesses;
15 (3) take testimony under oath; and
16 (4) make a record of testimony.

17 After a record is made under the direction of the department, an
18 administrative law judge, or an authorized representative of the
19 department, the department may make an appropriate order upon
20 the record.

21 **Sec. 9.** (a) The department may hear all petitions or motions
22 filed with the department. The hearings may be conducted by the
23 department, a member of the department, or an administrative law
24 judge. The hearings shall be conducted in accordance with rules
25 adopted by the department under IC 4-22-2.

26 (b) An administrative law judge shall promptly report to the
27 department the facts established by evidence and submit a
28 suggested order, showing the findings and a decision.

29 (c) An order recommended by an administrative law judge may
30 not be held for less than ten (10) days during which an interested
31 party may file a written exception. If an exception is not filed, the
32 finding of facts and decision in form of the order suggested by the
33 administrative law judge shall be the order of the department,
34 unless the department directs otherwise.

35 **Sec. 10.** (a) After a decision, an order, or a requirement has been
36 made by the department in a proceeding under this chapter, a
37 party may apply to the department for reconsideration or
38 rehearing of a matter determined in the proceeding. The
39 department may grant the reconsideration or rehearing if
40 sufficient reason is found.

41 (b) Applications for reconsideration or rehearing shall be
42 governed by rules adopted by the department under IC 4-22-2. If

C
O
P
Y



1 after reconsideration or rehearing it appears that the original
 2 decision, order, or requirement is unjust or unwarranted, the
 3 department may change or modify the decision, order, or
 4 requirement.

5 (c) A decision, an order, or a requirement made after
 6 reconsideration or rehearing is subject to the same provisions as
 7 the original decision, order, or requirement.

8 Sec. 11. The department may, upon recommendation of the
 9 attorney general, and subject to the approval of the governor, enter
 10 into an agreement or understanding with the Federal Highway
 11 Administration, any other appropriate agency of the federal
 12 government, another Indiana department or agency, or an agency
 13 of another state for the purpose of more effective supervision of
 14 safety and responsible transportation of property, intrastate.

15 Sec. 12. The department may by rules adopted under IC 4-22-2
 16 adopt orders, standards, or regulations of the Federal Highway
 17 Administration, any other appropriate agency of the federal
 18 government, or another state as the orders, standards, or
 19 regulations affect motor carriers, whether or not specifically
 20 referred to under this chapter.

21 Sec. 13. The department may cooperate with other state
 22 agencies in adopting combined uniform procedures and forms.

23 Sec. 14. The department may perform all reasonably necessary
 24 actions to carry out this chapter, including the power, subject to:

- 25 (1) the approval of the state personnel department and the
- 26 budget agency; and
- 27 (2) IC 4-21.5;

28 to employ and fix the compensation of administrative law judges,
 29 investigators, clerks, and other employees as necessary or
 30 advisable for the effective administration of this chapter.

31 Sec. 15. A motor carrier may not operate a motor vehicle in the
 32 transportation of property, upon a public highway in intrastate
 33 commerce until the motor carrier has:

- 34 (1) submitted forms approved by the department to be a
- 35 properly certified motor carrier; and
- 36 (2) been issued an acknowledgment by the department.

37 An acknowledgment issued under subdivision (2) remains in effect
 38 until December 31 of the year in which the acknowledgment is
 39 issued.

40 Sec. 16. The annual renewal by motor carriers under this
 41 chapter is performed in the following manner:

- 42 (1) An application for renewal must be submitted on a form

C
O
P
Y



1 prescribed by the department.

2 (2) An application for renewal must be received by the
3 department between September 30 and November 30 of each
4 year.

5 (3) A certification expires December 31 of each year. The
6 department may extend the term of a certification for cause.

7 **Sec. 17. (a)** A person may not operate a motor vehicle for the
8 transportation of property upon a public highway, and a motor
9 carrier may not be certified, unless the motor carrier complies with
10 the rules adopted by the department governing the filing and
11 approval of surety bonds, policies of insurance, qualifications of a
12 self-insurer, or other securities or agreements.

13 (b) A surety bond, policy of insurance, self-insurance, or
14 security or other agreement approved under this section must be
15 of a reasonable amount and conditioned to pay, within the amount
16 of the surety bond, policy of insurance, self-insurance, or security
17 or other agreement, a final judgment recovered against the motor
18 carrier for bodily injuries to or the death of any person resulting
19 from the negligent operation, maintenance, or use of the motor
20 carrier's registered motor vehicle, or for loss or damage to
21 property of others.

22 **Sec. 18. (a)** 49 CFR Parts 382, 385 through 387, 390 through
23 393, and 395 through 398 is incorporated into Indiana law by
24 reference, and, except as provided in subsections (d), (e), (f), and
25 (g), must be complied with by an interstate or intrastate motor
26 carrier of persons or property throughout Indiana. Intrastate
27 motor carriers subject to compliance reviews under 49 CFR 385
28 shall be selected according to criteria determined by the
29 superintendent that must include but is not limited to factors such
30 as previous history of violations found in roadside compliance
31 checks and other recorded violations. However, the provisions of
32 49 CFR 395 that regulate the hours of service of drivers, including
33 requirements for the maintenance of logs, do not apply to a driver
34 of a truck that is registered by the bureau of motor vehicles and
35 used as a farm truck under IC 9-18, or a vehicle operated in
36 intrastate construction or construction related service, or the
37 restoration of public utility services interrupted by an emergency.
38 Except for a carrier or a guest operator operating a motor vehicle
39 as a farm vehicle in connection with agricultural pursuits usual
40 and normal to the user's farming operation or for personal
41 purposes, but not operated either part time or incidentally in the
42 conduct of a commercial enterprise, intrastate motor carriers not



C
O
P
Y

1 operating under authority issued by the United States Department
 2 of Transportation shall comply with the requirements of 49 CFR
 3 390.21(b)(3) by registering with the department of state revenue as
 4 an intrastate motor carrier and displaying the certification number
 5 issued by the department of state revenue preceded by the letters
 6 "IN". All other requirements of 49 CFR 390.21 apply equally to
 7 interstate and intrastate motor carriers.

8 (b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173,
 9 177 through 178, and 180, are incorporated into Indiana law by
 10 reference, and every:

- 11 (1) private carrier;
- 12 (2) common carrier;
- 13 (3) contract carrier;
- 14 (4) motor carrier of property, intrastate;
- 15 (5) hazardous material shipper; and
- 16 (6) carrier otherwise exempt under section 3 of this chapter;

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

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

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

28 All additional federal standards for the safe transportation of
 29 hazardous materials apply until July 1, 2000. After June 30, 2000,
 30 the maintenance, inspection, and marking requirements of 49 CFR
 31 173.8 and Part 180 are applicable. In accordance with federal
 32 hazardous materials regulations, new or additional
 33 nonspecification cargo tank motor vehicles may not be placed in
 34 service under this subsection after June 30, 1998.

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

- 36 (1) a state police officer or state police motor carrier inspector
 37 who:
 - 38 (A) has successfully completed a course of instruction
 39 approved by the Federal Highway Administration; and
 - 40 (B) maintains an acceptable competency level as
 41 established by the state police department; or
- 42 (2) an employee of a law enforcement agency who:



C
O
P
Y

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

C
O
P
Y

1 condition;

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

9 (E) has submitted the blood glucose logs from the
10 monitoring device to the endocrinologist at the time of the
11 annual medical 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
19 to an authorized federal, state, or local law enforcement
20 official.

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

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

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

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

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

41 Sec. 19. (a) A nonresident motor carrier must file and keep on
42 file with the department a designation in writing of the name and

C
O
P
Y



1 post office address of a citizen and resident of Indiana upon whom
 2 service of notices or orders may be made, and upon whom process
 3 issued by or under the authority of a court having jurisdiction of
 4 the subject matter may be served. Service of process in a
 5 proceeding under this chapter may be made upon the motor
 6 carrier by personal service, upon the citizen designated by the
 7 motor carrier, or by registered mail addressed to the motor carrier
 8 or designee at the last address shown by the records of the
 9 department.

10 (b) In default of a designation under this section, in case of
 11 vacancy, or if for any other reason the motor carrier may not be
 12 served with process, service of the notice or order may be made by
 13 serving two (2) copies of the notice or order upon the department.
 14 When service is made upon the department under this subsection,
 15 the department shall promptly mail one (1) copy of the notice or
 16 order served to the motor carrier by registered mail at the last
 17 address shown by the records of the department.

18 (c) When notice is given by mail under this section, the date of
 19 mailing shall be considered as the time when notice is served.

20 Sec. 20. Before a motor carrier engaged in the transportation of
 21 property for compensation may operate a motor vehicle upon a
 22 public highway providing intrastate transportation, the motor
 23 carrier must be properly registered as required under the single
 24 state registration system in accordance with rules adopted by the
 25 department under IC 4-22-2. This section does not apply to a
 26 person exclusively engaged in the private transportation of
 27 property.

28 Sec. 21. A motor carrier shall display identification in the
 29 method required by the department on or in each motor vehicle the
 30 motor carrier operates.

31 Sec. 22. (a) A motor carrier augmenting equipment,
 32 interchanging equipment, or leasing equipment, with or without
 33 drivers, shall comply with the rules of the department governing
 34 lease and interchange of vehicles.

35 (b) If a lessor who is not a motor carrier leases both equipment
 36 and driver to a shipper, the arrangement is presumed to result in
 37 private carriage by the shipper, subject to the conditions of this
 38 subsection. A lease agreement under this subsection must:

- 39 (1) be reduced to writing;
- 40 (2) be for a term of at least thirty (30) days;
- 41 (3) provide that the leased equipment is exclusively committed
- 42 to the lessee's use for the term of the lease;



C
O
P
Y

1 (4) provide that during the term of the lease, the lessee
 2 accepts, possesses, and exercises exclusive dominion and
 3 control over the leased equipment and assumes complete
 4 responsibility for the operation of the equipment;

5 (5) require that the lessee maintain public liability insurance
 6 and accept responsibility to the public for any injury caused
 7 in the course of performing the transportation service
 8 conducted by the lessee with the equipment during the term
 9 of the lease; and

10 (6) require that the lessee display appropriate identification
 11 on all equipment leased by it, showing operation by the lessee
 12 during the performance of the transportation.

13 (c) A presumption under subsection (b) may be rebutted if
 14 actual operations under the lease agreement weaken the control
 15 and responsibility required of a shipper when conducting
 16 transportation operations with equipment and drivers leased from
 17 a single source.

18 Sec. 23. (a) As used in this section, "bill of lading" means a
 19 document evidencing the receipt of goods for shipment that is
 20 issued by a person who is engaged in the business of transporting
 21 or forwarding goods.

22 (b) A motor carrier or a person who operates a motor vehicle
 23 for a motor carrier shall present, at the request of the state police
 24 department or an authorized representative of the department, the
 25 following:

26 (1) Documentation that identifies the shipper or the motor
 27 carrier.

28 (2) A bill of lading or similar document that:

29 (A) identifies the origin and destination of the shipment;

30 (B) describes the goods being transported;

31 (C) states the name and address of the consignor and the
 32 consignee; and

33 (D) states the date when the goods were shipped.

34 Sec. 24. A person who violates this chapter commits a Class B
 35 infraction.

36 Sec. 25. (a) The department or the state police department may
 37 impound a motor vehicle operated for hire if:

38 (1) the motor carrier of property has not obtained the
 39 required certification from the department; and

40 (2) the vehicle is being operated on an Indiana highway.

41 (b) To obtain possession of a motor vehicle impounded under
 42 subsection (a), the motor carrier that operates the motor vehicle

C
O
P
Y



- 1 **must either:**
- 2 (1) obtain the required certification from the department; or
- 3 (2) remove from the vehicle all cargo for which the required
- 4 certification has not been obtained.
- 5 (c) If the motor carrier that operates a motor vehicle
- 6 impounded under subsection (a) is not the owner of the vehicle, the
- 7 department or the state police department shall release the motor
- 8 vehicle to the owner unless the owner was aware that the motor
- 9 vehicle was being operated without the required certification.
- 10 (d) Cargo held in a motor vehicle impounded under subsection
- 11 (a) must be released if the cargo is loaded into a motor vehicle
- 12 operated in compliance with this chapter.
- 13 **Sec. 26. (a)** A person who violates this chapter is subject to a
- 14 civil penalty of one hundred dollars (\$100) for the first violation
- 15 and one thousand dollars (\$1,000) for each subsequent violation.
- 16 (b) Civil penalties described in subsection (a) may be assessed
- 17 only after an administrative hearing under IC 6-8.1-5-1 has been
- 18 conducted at which the person has an opportunity to present
- 19 information as to why a civil penalty should not be assessed.
- 20 (c) Money collected by the department under subsection (b)
- 21 shall be deposited in the motor carrier regulation fund established
- 22 under this article.
- 23 **Sec. 27. Inspections to determine and enforce violations under**
- 24 **this chapter may be conducted by the state police department,**
- 25 **agents of the department, Indiana state police motor carrier**
- 26 **inspectors, and any other eligible law enforcement officer through**
- 27 **the procedures established by the department. Agents of the**
- 28 **department have the same power and authority under this section**
- 29 **as is provided to authorized personnel under IC 16-44-2-11 and**
- 30 **IC 16-44-2-12.**
- 31 **Sec. 28. Under an operations out of service order issued by the**
- 32 **United States Department of Transportation or the Federal**
- 33 **Highway Administration affecting a motor carrier operating in**
- 34 **Indiana, the department of state revenue or the state police**
- 35 **department may revoke and confiscate any registrations, license**
- 36 **plates, or cab cards issued under IC 9-18.**
- 37 **Chapter 16. Inspection of Commercial Buses Used in**
- 38 **Organizational Activities**
- 39 **Sec. 1. A motor carrier may not operate or permit the operation**
- 40 **of a motor bus to transport a person to or from an organizational**
- 41 **activity for compensation unless the motor bus has been inspected**
- 42 **and meets the safety standards of this chapter within the twelve**

C
O
P
Y

1 (12) months preceding the date of the organizational activity.

2 **Sec. 2. (a) A motor bus has not been inspected and does not meet**
 3 **the safety standards of this chapter unless the motor carrier**
 4 **certifies to the state police department that the motor bus has:**

5 (1) **been inspected by:**

6 (A) **an employee of the motor carrier;**

7 (B) **an employee of the department;**

8 (C) **an employee of a certified third party inspector; or**

9 (D) **another individual;**

10 **who meets the requirements of 49 CFR 396.19, is certified by**
 11 **the Commercial Vehicle Safety Alliance, or is certified as a**
 12 **commercial motor vehicle technician by Automotive Service**
 13 **Excellence; and**

14 (2) **met the inspection requirements of the federal motor**
 15 **carrier safety regulations and this chapter.**

16 (b) **If the department determines that a motor carrier is not**
 17 **capable of carrying out an inspection under subsection (a), the**
 18 **state police department may:**

19 (1) **inspect a motor bus of the motor carrier; or**

20 (2) **request a compliance review of the safety management of**
 21 **the motor carrier by the Federal Highway Administration, if**
 22 **the carrier is an interstate carrier, or the motor carrier**
 23 **division of the state police department, if the carrier is an**
 24 **intrastate carrier.**

25 (c) **Before a motor bus that has been out of service due to safety**
 26 **violations may return to service, the state police department may**
 27 **require a motor carrier to present the bus for inspection if the**
 28 **safety violations were so severe as to call into question the**
 29 **maintenance capability of the carrier. Upon notification by the**
 30 **carrier to the state police department that the motor bus is ready**
 31 **to return to service, the state police department may inspect the**
 32 **bus not more than two (2) business days following the notification**
 33 **by the carrier. If the state police department does not inspect the**
 34 **bus within two (2) business days following the notification by the**
 35 **carrier, the carrier must have the bus inspected by:**

36 (1) **an employee of the motor carrier;**

37 (2) **an employee of the department;**

38 (3) **an employee of a certified third party inspector; or**

39 (4) **another individual;**

40 **who meets the requirements of 49 CFR 396.19, is certified by the**
 41 **Commercial Vehicle Safety Alliance, or is certified as a commercial**
 42 **motor vehicle technician by Automotive Service Excellence.**



C
O
P
Y

1 (d) If a motor bus is found in operation without correction of the
2 safety violations that caused it to be placed out of service, the state
3 police department shall immediately impound the bus and the state
4 police department may request a compliance review of the safety
5 management of the motor carrier by the Federal Highway
6 Administration, if the carrier is an interstate carrier, or the motor
7 carrier division of the state police department, if the carrier is an
8 intrastate carrier.

9 (e) A motor carrier must notify a contractor for the use of a
10 motor bus for an organizational activity of the following:

11 (1) That the carrier will provide a motor bus that has been
12 inspected and meets federal safety inspection standards.

13 (2) The method by which the motor bus was inspected,
14 whether the method was self-inspection, state police
15 department inspection, or third-party inspection.

16 (3) That the contractor may call a toll free number to notify
17 the Indiana state police if the contractor has concerns about
18 operational safety problems during the trip or has reason to
19 believe that the motor bus is being operated in need of repair
20 in violation of federal motor safety regulations.

21 (f) The department must establish or maintain a toll free
22 number that a contractor described under subsection (e) may call
23 to notify the state police department about concerns regarding
24 motor bus safety.

25 Sec. 3. A motor carrier or bus driver who knowingly or
26 intentionally operates or permits to be operated a motor bus in
27 violation of this chapter commits a Class B misdemeanor.

28 Sec. 4. The department of state revenue may adopt rules under
29 IC 4-22-2 to establish a certification program for third party
30 inspection of motor buses.

31 Chapter 17. Commercial Driver's License Testing

32 Sec. 1. Motor carrier services may contract with public and
33 private institutions, agencies, businesses, and organizations to
34 conduct any or all testing required in the implementation of the
35 commercial driver's license program. The contractor who conducts
36 examinations and skills tests may retain the fees for those services.

37 Chapter 18. Motor Carrier Fuel Tax

38 Sec. 1. As used in this chapter:

39 (a) "Carrier" means a person who operates or causes to be
40 operated a commercial motor vehicle on any highway in Indiana.

41 (b) "Commercial motor vehicle" means a vehicle that is listed
42 in section 2(a) of this chapter and that is not excluded from the

C
O
P
Y



- 1 application of this chapter under section 2(b) of this chapter.
- 2 (c) "Commissioner" means the commissioner of the department
- 3 of state revenue.
- 4 (d) "Declared gross weight" means the weight at which a motor
- 5 vehicle is registered with:
- 6 (1) the bureau of motor vehicles; or
- 7 (2) a state other than Indiana.
- 8 (e) "Department" means the department of state revenue.
- 9 (f) "Highway" means the entire width between the boundary
- 10 lines of every publicly maintained way that is open in any part to
- 11 the use of the public for purposes of vehicular travel.
- 12 (g) "Motor fuel" means gasoline (as defined in
- 13 IC 6-6-1.1-103(g)), special fuel (as defined in IC 6-6-2.5-22), and
- 14 alternative fuel (as defined in IC 6-6-2.5-1).
- 15 (h) "Quarter" means calendar quarter.
- 16 (i) "Motor vehicle" has the meaning set forth in
- 17 IC 6-6-1.1-103(h).
- 18 (j) "Recreational vehicle" means motor homes, pickup trucks
- 19 with attached campers, and buses when used exclusively for
- 20 personal pleasure. A vehicle is not a recreational vehicle if the
- 21 vehicle is used in connection with a business.
- 22 **Sec. 2. (a) Except as provided in subsection (b), this chapter**
- 23 **applies to each:**
- 24 (1) passenger vehicle that has seats for more than nine (9)
- 25 passengers in addition to the driver;
- 26 (2) road tractor;
- 27 (3) tractor truck;
- 28 (4) truck having more than two (2) axles;
- 29 (5) truck having a gross weight or a declared gross weight
- 30 greater than twenty-six thousand (26,000) pounds; and
- 31 (6) vehicle used in combination if the gross weight or the
- 32 declared gross weight of the combination is greater than
- 33 twenty-six thousand (26,000) pounds;
- 34 **that is propelled by motor fuel.**
- 35 **(b) This chapter does not apply to:**
- 36 (1) a vehicle operated by:
- 37 (A) this state;
- 38 (B) a political subdivision (as defined in IC 36-1-2-13);
- 39 (C) the United States; or
- 40 (D) an agency of states and the United States, or of two (2)
- 41 or more states, in which this state participates;
- 42 (2) a school bus (as defined by the laws of a state) operated by,



C
O
P
Y

1 for, or on behalf of a:

2 (A) state;

3 (B) political subdivision (as defined in IC 36-1-2-13) of a
4 state; or

5 (C) private or privately operated school;

6 (3) a vehicle used in casual or charter bus operations;

7 (4) trucks, trailers, or semitrailers and tractors that are
8 qualified to be registered and used as farm trucks, farm
9 trailers, or farm semitrailers and tractors and that are
10 registered as such by the bureau of motor vehicles under
11 IC 9-18 or under a similar law of another state;

12 (5) an intercity bus (as defined in IC 9-13-2-83);

13 (6) a vehicle described in subsection (a)(2) through (a)(6)
14 when the vehicle is displaying a dealer registration plate; or

15 (7) a recreational vehicle.

16 **Sec. 3. (a) Except as otherwise provided in this section, every**
17 **commercial motor vehicle leased to a carrier is subject to this**
18 **chapter to the same extent and in the same manner as commercial**
19 **motor vehicles owned by the carrier.**

20 (b) Except as provided in subsection (f), the department may
21 consider a lessor of commercial motor vehicles to be a carrier with
22 respect to the operation of the vehicles it leases to others if the
23 lessor:

24 (1) supplies or pays for the motor fuel consumed by the
25 vehicles; or

26 (2) makes rental or other charges calculated to include the
27 cost of the motor fuel consumed by the vehicles.

28 (c) The department shall provide, by rules adopted under
29 IC 4-22-2, for the presentation by a lessor to other carriers and to
30 the public of evidence and identification of carrier status
31 determined under this section.

32 (d) Any commercial motor vehicles leased from a lessor who is
33 considered a carrier under subsection (b) may be excluded from
34 the lessee's reports and liabilities under this chapter.

35 (e) This section governs the primary liability under this chapter
36 of lessors and lessees of commercial motor vehicles. If a lessor or
37 lessee who is primarily liable fails, in whole or in part, to discharge
38 the lessor's or lessee's liability, the lessor or lessee and the other
39 lessor or lessee who is a party to the lease transaction are
40 responsible for compliance with this chapter and are jointly and
41 severally liable for payment of the tax. However, the aggregate
42 taxes collected by the department may not exceed the amount of



C
O
P
Y

1 tax that would have resulted from the operation of the leased
2 vehicle by the owner, plus any applicable costs and penalties.

3 (f) This subsection does not apply if the motor vehicle is leased
4 to the same person under two (2) or more consecutive leases. If a
5 motor vehicle is leased for less than thirty (30) days, the holder of
6 an annual permit issued under section 16 of this chapter for the
7 motor vehicle is liable for the motor carrier fuel tax.

8 **Sec. 4. (a)** A tax is imposed on the consumption of motor fuel by
9 a carrier in its operations on highways in Indiana. The rate of this
10 tax is the same rate per gallon as the rate per gallon at which
11 special fuel is taxed under IC 6-6-2.5. The tax shall be paid
12 quarterly by the carrier to the department on or before the last day
13 of the month immediately following the quarter.

14 (b) The amount of motor fuel consumed by a carrier in its
15 operations on highways in Indiana is the total amount of motor fuel
16 consumed in its entire operations within and without Indiana,
17 multiplied by a fraction. The numerator of the fraction is the total
18 number of miles traveled on highways in Indiana, and the
19 denominator of the fraction is the total number of miles traveled
20 inside and outside Indiana.

21 (c) The amount of tax that a carrier shall pay for a particular
22 quarter under this section equals the product of the tax rate in
23 effect for that quarter, multiplied by the amount of motor fuel
24 consumed by the carrier in its operation on highways in Indiana
25 and upon which the carrier has not paid tax imposed under
26 IC 6-6-1.1 or IC 6-6-2.5.

27 (d) Subject to section 7 of this chapter, a carrier is entitled to a
28 proportional use credit against the tax imposed under this section
29 for that portion of motor fuel used to propel equipment mounted
30 on a motor vehicle having a common reservoir for locomotion on
31 the highway and the operation of the equipment, as determined by
32 rule of the commissioner. An application for a proportional use
33 credit under this subsection shall be filed on a quarterly basis on
34 a form prescribed by the department.

35 **Sec. 5. (a)** A surcharge tax is imposed on the consumption of
36 motor fuel by a carrier in its operations on highways in Indiana.
37 The rate of this surcharge tax is eleven cents (\$0.11) per gallon.
38 The tax shall be paid quarterly by the carrier to the department on
39 or before the last day of the month immediately following the
40 quarter.

41 (b) The amount of motor fuel consumed by a carrier in its
42 operations on highways in Indiana is the total amount of motor fuel

C
O
P
Y

1 consumed in its entire operations inside and outside Indiana,
 2 multiplied by a fraction. The numerator of the fraction is the total
 3 number of miles traveled on highways in Indiana, and the
 4 denominator of the fraction is the total number of miles traveled
 5 inside and outside Indiana.

6 (c) The amount of tax that a carrier shall pay for a particular
 7 quarter under this section equals the product of the tax rate in
 8 effect for that quarter, multiplied by the amount of motor fuel
 9 consumed by the carrier in its operation on highways in Indiana.

10 (d) Subject to section 7 of this chapter, a carrier is entitled to a
 11 proportional use credit against the tax imposed under this section
 12 for that portion of motor fuel used to propel equipment mounted
 13 on a motor vehicle having a common reservoir for locomotion on
 14 the highway and the operation of this equipment as determined by
 15 rule of the commissioner. An application for a proportional use
 16 credit under this subsection shall be filed on a quarterly basis on
 17 a form prescribed by the department.

18 **Sec. 6. (a) This section applies only to a claim for a proportional**
 19 **use credit under section 4(d) or 5(d) of this chapter for taxes first**
 20 **due and payable after July 31, 1999.**

21 (b) A carrier must be certified by the department in order to
 22 qualify for a proportional use credit under section 4(d) or 5(d) of
 23 this chapter.

24 (c) A carrier must apply to the department for certification
 25 before April 1 of the first calendar year for which the proportional
 26 use credit will be claimed. An application for certification must be
 27 in writing upon forms prescribed by the department and must be
 28 signed and verified by the carrier. The department must include on
 29 all application forms suitable spaces for a listing of the following:

- 30 (1) The carrier's federal Social Security number or federal tax
 31 identification number.
- 32 (2) The address of the carrier's principal place of business.
- 33 (3) A description of each of the carrier's vehicles that has a
 34 common fuel supply reservoir for both locomotion on a public
 35 highway and a commercial purpose.
- 36 (4) The vehicle identification number for each vehicle
 37 described in subdivision (3).

38 (d) The department may certify that a carrier is qualified to
 39 claim a proportional use credit under section 4(d) or 5(d) of this
 40 chapter only upon payment by the carrier to the department of a
 41 one (1) time fee of seven dollars (\$7). The carrier must pay the fee
 42 at the time the application for certification is submitted to the



C
O
P
Y

1 department. The department shall deposit the fee in the motor
2 carrier regulation fund established by IC 6-6.1-14-1.

3 (e) A carrier must notify the department, on forms prescribed
4 by the department, of any change of address by the carrier. The
5 carrier must provide the notice not more than ten (10) days after
6 the change of address. The department may revoke or suspend the
7 certification of a carrier that fails to comply with this subsection.

8 (f) All certificates issued under this section are personal and
9 may not be transferred.

10 (g) The department may require a carrier that has been issued
11 a certificate under this section to submit additional information
12 from time to time at reasonable intervals, as determined by the
13 department.

14 (h) The department may adopt rules under IC 4-22-2 to carry
15 out this section.

16 **Sec. 7. (a) This section applies only to a claim for a proportional**
17 **use credit under section 4(d) or 5(d) of this chapter for taxes first**
18 **due and payable after July 31, 1999.**

19 (b) In order to obtain a proportional use credit against taxes
20 imposed under section 4 or 5 of this chapter, a carrier must file a
21 claim with the department. The claim must be submitted on a form
22 prescribed by the department and must be filed with the quarterly
23 return for the taxable period for which the proportional use credit
24 is claimed. A carrier is not entitled to a proportional use credit
25 under section 4(d) or 5(d) of this chapter unless the carrier has
26 paid in full the taxes to which the credit applies. A credit approved
27 under this section shall, subject to this section, be refunded to the
28 carrier without interest.

29 (c) The department shall determine the aggregate amount of
30 proportional use credits claimed under section 4(d) or 5(d) of this
31 chapter for each quarter. The department may approve the full
32 amount of a proportional use credit claimed by a carrier if the
33 aggregate amount of proportional use credits claimed for the
34 quarter and for the fiscal year do not exceed the limits set forth in
35 subsection (d). If the aggregate amount of proportional use credits
36 claimed in a quarter exceeds the limits set forth in subsection (d),
37 the department shall pay the claims for that quarter on a pro rata
38 basis.

39 (d) The department may not approve more than three million
40 five hundred thousand dollars (\$3,500,000) of proportional use
41 credits under this section in a state fiscal year. In addition, the
42 amount of proportional use credits the department may approve



C
O
P
Y

- 1 under this section for a quarter may not exceed the following:
- 2 (1) For the quarter ending September 30 of a year, an amount
- 3 equal to one million three hundred seventy-five thousand
- 4 dollars (\$1,375,000).
- 5 (2) For the quarter ending December 31 of a year, an amount
- 6 equal to:
- 7 (A) six hundred twenty-five thousand dollars (\$625,000);
- 8 plus
- 9 (B) the greater of zero (0) or the result of:
- 10 (i) the limit determined for the previous quarter under
- 11 this subsection; minus
- 12 (ii) the aggregate amount of claims approved for the
- 13 previous quarter.
- 14 (3) For the quarter ending March 31 of a year, an amount
- 15 equal to:
- 16 (A) six hundred twenty-five thousand dollars (\$625,000);
- 17 plus
- 18 (B) the greater of zero (0) or the result of:
- 19 (i) the limit determined for the previous quarter under
- 20 this subsection; minus
- 21 (ii) the aggregate amount of claims approved for the
- 22 previous quarter.
- 23 (4) For the quarter ending June 30 of a year, an amount equal
- 24 to:
- 25 (A) eight hundred seventy-five thousand dollars
- 26 (\$875,000); plus
- 27 (B) the greater of zero (0) or the result of:
- 28 (i) the limit determined for the previous quarter under
- 29 this subsection; minus
- 30 (ii) the aggregate amount of claims approved for the
- 31 previous quarter.
- 32 **Sec. 8. (a) The department shall deposit revenue collected under**
- 33 **sections 4 and 16 of this chapter in the state highway fund**
- 34 **(IC 8-23-9-54).**
- 35 **(b) The department shall deposit revenue collected under**
- 36 **section 5 of this chapter as follows:**
- 37 **(1) Forty-five and one-half percent (45.5%) in the state**
- 38 **highway fund (IC 8-23-9-54).**
- 39 **(2) Forty-five and one-half percent (45.5%) in the motor**
- 40 **vehicle highway account (IC 8-14-1).**
- 41 **(3) Nine percent (9%) in the motor carrier regulation fund**
- 42 **administered by the department.**



C
O
P
Y

1 (c) The department shall deposit revenue collected under section
2 17 of this chapter as follows:

3 (1) Thirty-five percent (35%) in the motor vehicle highway
4 account (IC 8-14-1).

5 (2) Sixty-five percent (65%) in the state highway fund
6 (IC 8-23-9-54).

7 Sec. 9. (a) A carrier is entitled to a credit against the tax
8 imposed under section 4 of this chapter if the carrier, or a lessor
9 operating under the carrier's annual permit, has:

10 (1) paid the tax imposed under IC 6-6-1.1 or IC 6-6-2.5 on
11 motor fuel purchased in Indiana;

12 (2) consumed the motor fuel outside Indiana; and

13 (3) paid a gasoline, special fuel, or road tax with respect to the
14 fuel in one (1) or more other states or jurisdictions.

15 (b) The amount of credit for a quarter is equal to the tax paid
16 under IC 6-6-1.1 and IC 6-6-2.5 on motor fuel that:

17 (1) was purchased in Indiana;

18 (2) was consumed outside Indiana; and

19 (3) with respect to which the carrier paid a gasoline, special
20 fuel, or road tax to another state or jurisdiction.

21 (c) To qualify for the credit, the carrier shall submit any
22 evidence required by the department of payment of the tax
23 imposed under IC 6-6-1.1 or IC 6-6-2.5.

24 (d) A credit earned by a carrier in a particular quarter shall be
25 applied against the carrier's tax liability under this chapter for that
26 quarter before any credit carryover is applied against that liability
27 under section 10 of this chapter.

28 Sec. 10. (a) As used in this section, the credit of a carrier for any
29 quarter is the amount by which the credit to which the carrier is
30 entitled under section 9 of this chapter for that quarter exceeds the
31 tax liability of the carrier under section 4 of this chapter for that
32 quarter.

33 (b) The credit for any quarter shall be allowed as a credit
34 against the tax for which the carrier would otherwise be liable in
35 the quarter in which the credit accrued.

36 (c) A carrier is entitled to the refund of any credit not previously
37 used to offset a tax liability or for any erroneously paid tax or
38 penalty. To obtain the refund, the carrier shall submit to the
39 department a properly completed application in accordance with
40 rules adopted by the department under IC 4-22-2. The application
41 must be submitted within three (3) years after the end of:

42 (1) the quarter in which the credit accrued; or



C
O
P
Y

1 (2) the calendar year that contains the taxable period in which
2 the tax or penalty was erroneously paid.
3 **Along with the application, the carrier shall submit any evidence**
4 **required by the department and any reports required by the**
5 **department under this chapter.**
6 **(d) The department shall pay interest on any part of a refund**
7 **that is not made within ninety (90) days after the date on which all**
8 **of the following have been completed:**
9 **(1) The filing of:**
10 **(A) the properly completed application for refund; or**
11 **(B) the quarterly return on which a refund is claimed.**
12 **(2) The submission of any evidence required by the**
13 **department of payment of the tax imposed under IC 6-6-1.1**
14 **or IC 6-6-2.5.**
15 **(3) The submission of reports required by the department**
16 **under this chapter.**
17 **(4) The furnishing of a surety bond, letter of credit, or cash**
18 **deposit under section 12 of this chapter.**
19 **(e) The department shall pay interest at the rate established**
20 **under IC 6-8.1-9 from the date of:**
21 **(1) the refund application;**
22 **(2) the due date of a timely filed quarterly return on which a**
23 **refund is claimed; or**
24 **(3) the filing date of a quarterly return on which a refund is**
25 **claimed, if the quarterly refund is filed after the due date of**
26 **the quarterly return;**
27 **to a date determined by the department that does not precede the**
28 **date on which the refund is made by more than thirty (30) days.**
29 **Sec. 11. A class action for the refund of a tax subject to this**
30 **chapter may not be maintained in any court, including the Indiana**
31 **tax court, on behalf of any person who has not complied with the**
32 **requirements of section 10 of this chapter before the certification**
33 **of a class. A refund of taxes to a member of a class in a class action**
34 **is subject to the time limits set forth in section 10 of this chapter**
35 **based on the time the class member filed the required claim for**
36 **refund with the department.**
37 **Sec. 12. (a) A carrier shall, at the request of the department and**
38 **for cause, furnish a surety bond, letter of credit, or cash deposit to**
39 **the department in order to ensure payment of the taxes imposed**
40 **under this chapter and to permit the department to make a refund**
41 **to the carrier under section 10 of this chapter. The bond, letter of**
42 **credit, or cash deposit must be:**

COPY



- 1 (1) in an amount of not less than two (2) times the amount of
2 tax due or refund requested under this chapter for the
3 reporting period applicable to the carrier, as determined by
4 the department;
- 5 (2) payable to the state;
- 6 (3) conditioned that the carrier will pay all taxes for which the
7 carrier is or becomes liable under this chapter from the date
8 of the bond, letter of credit, or cash deposit to thirty (30) days
9 after either the carrier, the surety, or the financial institution
10 notifies the department that the bond, letter of credit, or cash
11 deposit has been canceled; and
- 12 (4) executed by a surety authorized under Indiana law in the
13 case of a bond or by a financial institution approved by the
14 commissioner in the case of a letter of credit.
- 15 (b) Sixty (60) days after making a written request for release to
16 the commissioner, the surety of a bond furnished by a carrier is
17 released from any liability to the state accruing on the bond after
18 the sixty (60) day period. The release does not affect any liability
19 accruing before the expiration of the sixty (60) day period.
- 20 (c) One hundred eighty (180) days after making a written
21 request for release to the commissioner, the financial institution
22 issuing the letter of credit for a carrier is released from any
23 liability accruing on the letter of credit.
- 24 (d) The commissioner shall promptly notify the carrier
25 furnishing the bond or letter of credit that a release has been
26 requested. Unless the carrier furnishes a new bond within the sixty
27 (60) day period or a new letter of credit within the one hundred
28 eighty (180) day period, the commissioner shall cancel the carrier's
29 annual permit.
- 30 (e) Sixty (60) days after making a written request for release to
31 the commissioner, the cash deposit provided by a carrier is
32 canceled as security for any obligation accruing after the
33 expiration of the sixty (60) day period. However, the administrator
34 may retain all or part of the cash deposit for up to three (3) years
35 and one (1) day as security for any obligation accruing before the
36 effective date of the cancellation. Any part of the deposit that is not
37 retained by the commissioner shall be released to the carrier.
38 Before the expiration of the sixty (60) day period, the carrier must
39 provide a bond or letter of credit or the commissioner shall cancel
40 the carrier's annual permit.
- 41 (f) The department has cause for requiring security from a
42 carrier under this section if:

C
O
P
Y

1 (1) a carrier fails to file timely reports required by this
2 chapter;

3 (2) a carrier fails to remit the tax imposed by this chapter; or

4 (3) an audit of a carrier's operations under this chapter causes
5 the department to reasonably believe that tax collection or
6 remittance required by this chapter is in jeopardy.

7 Sec. 13. If there are no records showing the number of miles
8 actually operated per gallon of motor fuel and if section 15(c) of
9 this chapter is inapplicable, it is presumed for purposes of this
10 chapter that one (1) gallon of motor fuel is consumed for every four
11 (4) miles traveled.

12 Sec. 14. (a) Except as provided in section 17 of this chapter, each
13 carrier subject to the tax imposed under this chapter shall submit
14 to the department such quarterly reports of the operations of
15 commercial motor vehicles giving rise to the carrier's tax liability
16 as the department may require. The carrier shall submit each
17 quarterly report required under this subsection on or before the
18 last day of the month immediately following that quarter.

19 (b) Subject to the restrictions of this subsection and subsection
20 (c), the department may, by rules adopted under IC 4-22-2, exempt
21 any carrier from the quarterly reporting requirements of this
22 section. The department may exempt only a carrier who submits
23 an annual affidavit attesting that:

24 (1) all or substantially all of the mileage of the carrier in the
25 previous calendar year was the result of operations in
26 Indiana;

27 (2) all or substantially all of the motor fuel used in the
28 operations of the carrier in the previous calendar year was
29 purchased in Indiana; or

30 (3) the carrier is from a state that has a reciprocity agreement
31 with the state of Indiana relating to motor fuel taxes.

32 (c) The department may exempt carriers under subsection (b)
33 only if:

34 (1) granting exemptions will not adversely affect the
35 enforcement of this chapter; and

36 (2) the carriers that apply for exemptions purchased an
37 equitable amount of motor fuel in Indiana.

38 (d) Each carrier shall submit to the department any other
39 reports required by the department.

40 Sec. 15. (a) Instead of filing individual reports under section 14
41 of this chapter, two (2) or more carriers regularly engaged in the
42 transportation of passengers on through buses and through tickets

C
O
P
Y



1 in pooled service may make joint reports of their operations in
2 Indiana. The tax imposed by this chapter shall be calculated on the
3 basis of the joint reports as though the carriers were a single
4 carrier. The carriers making the reports are jointly and severally
5 liable for the tax.

6 (b) Joint reports made under subsection (a) must show the total
7 number of miles traveled in Indiana and the total number of
8 gallons of motor fuel purchased in Indiana by the reporting
9 carriers. Credits or refunds to which the carriers making a joint
10 return are entitled are not allowed as credits or refunds to any
11 other carrier. Carriers filing joint reports shall permit all carriers
12 engaged in pooled operations with them in Indiana to join them in
13 filing joint reports.

14 (c) For purposes of this chapter, there is a rebuttable
15 presumption that the vehicles of carriers filing joint reports
16 consumed one (1) gallon of motor fuel for every six (6) miles
17 traveled.

18 **Sec. 16. (a)** Except as authorized under section 17 of this
19 chapter, a carrier may operate a commercial motor vehicle upon
20 the highways in Indiana only if the carrier has been issued an
21 annual permit, cab card, and emblem under this section.

22 (b) The department shall issue:

23 (1) an annual permit; and

24 (2) a cab card and an emblem for each commercial motor
25 vehicle that will be operated by the carrier upon the highways
26 in Indiana;

27 to a carrier who applies for an annual permit and pays to the
28 department an annual permit fee of twenty-five dollars (\$25).

29 (c) The annual permit, cab card, and emblem are effective from
30 January 1 of each year through December 31 of the same year. The
31 department may extend the expiration date of the annual permit,
32 cab card, and emblem for no more than sixty (60) days. The annual
33 permit, each cab card, and each emblem issued to a carrier remain
34 the property of this state and may be suspended or revoked by the
35 department for any violation of this chapter or of the rules
36 concerning this chapter adopted by the department under
37 IC 4-22-2.

38 (d) As evidence of compliance with this section, and for the
39 purpose of enforcement, a carrier shall display on each commercial
40 motor vehicle an emblem when the vehicle is being operated by the
41 carrier in Indiana. The carrier shall affix the emblem to the vehicle
42 in the location designated by the department. The carrier shall



1 display in each vehicle the cab card issued by the department. The
 2 carrier shall retain the original annual permit at the address shown
 3 on the annual permit. During the month of December, the carrier
 4 shall display the cab card and emblem that are valid through
 5 December 31 or a full year cab card and emblem issued to the
 6 carrier for the ensuing twelve (12) months. If the department
 7 grants an extension of the expiration date, the carrier shall
 8 continue to display the cab card and emblem upon which the
 9 extension was granted.

10 (e) If a commercial motor vehicle is operated by more than one
 11 (1) carrier, as evidence of compliance with this section and for
 12 purposes of enforcement each carrier shall display in the
 13 commercial motor vehicle a reproduced copy of the carrier's
 14 annual permit when the vehicle is being operated by the carrier in
 15 Indiana.

16 (f) A person who fails to display an emblem required by this
 17 section on a commercial motor vehicle, does not have proof in the
 18 vehicle that the annual permit has been obtained, and operates that
 19 vehicle on an Indiana highway commits a Class C infraction. Each
 20 day of operation without an emblem constitutes a separate
 21 infraction. Notwithstanding IC 34-28-5-4, a judgment of not less
 22 than one hundred dollars (\$100) shall be entered for each Class C
 23 infraction under this subsection.

24 (g) A person who displays an altered, false, or fictitious cab card
 25 required by this section in a commercial motor vehicle, does not
 26 have proof in the vehicle that the annual permit has been obtained,
 27 and operates that vehicle on an Indiana highway commits a Class
 28 C infraction. Each day of operation with an altered, false, or
 29 fictitious cab card constitutes a separate infraction.

30 Sec. 17. (a) A carrier may, instead of paying the tax imposed
 31 under this chapter that would otherwise result from the operation
 32 of a particular commercial motor vehicle, obtain from the
 33 department a trip permit authorizing the carrier to operate the
 34 commercial motor vehicle for a period of five (5) consecutive days.
 35 The department shall specify the beginning and ending days on the
 36 face of the permit. The fee for a trip permit for each commercial
 37 motor vehicle is fifty dollars (\$50). The report otherwise required
 38 under section 14 of this chapter is not required with respect to a
 39 vehicle for which a trip permit has been issued under this
 40 subsection.

41 (b) The department may issue a temporary written
 42 authorization if unforeseen or uncertain circumstances require



C
O
P
Y

1 operations by a carrier of a commercial motor vehicle for which
 2 neither a trip permit described in subsection (a) nor an annual
 3 permit described in section 16 of this chapter has been obtained. A
 4 temporary authorization may be issued only if the department
 5 finds that undue hardship would result if operation under a
 6 temporary authorization were prohibited. A carrier who receives
 7 a temporary authorization shall:

8 (1) pay the trip permit fee at the time the temporary
 9 authorization is issued; or

10 (2) subsequently apply for and obtain an annual permit.

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

12 (1) travel from another state into Indiana to repair or
 13 maintain any of the carrier's motor vehicles, semitrailers (as
 14 defined in IC 9-13-2-164), or trailers (as defined in
 15 IC 9-13-2-184); and

16 (2) return to the same state after the repair or maintenance is
 17 completed.

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

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

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

30 (A) a maintenance or repair facility; or

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

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

33 The fee for the permit is forty dollars (\$40). The permit is an
 34 annual permit and applies to all yard tractors operated by the
 35 carrier. The permit is not transferable to another carrier. A
 36 carrier may not carry cargo or transport or draw a semitrailer or
 37 other vehicle under the permit. A carrier may operate a yard
 38 tractor under the permit instead of paying the tax imposed under
 39 this chapter. A yard tractor that is being operated on a public
 40 highway under this subsection must display a license plate issued
 41 under IC 9-18-32. As used in this section, "yard tractor" has the
 42 meaning set forth under IC 9-13-2-201.



C
O
P
Y

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

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

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

7 Sec. 18. (a) The commissioner or, with his approval, the
8 reciprocity commission created by IC 9-28-4 may enter into a
9 reciprocal agreement with the appropriate official or officials from
10 any other state or jurisdiction under which all or any part of the
11 requirements of this chapter are waived with respect to motor
12 carriers that use in Indiana motor fuel upon which tax has been
13 paid to the other state or jurisdiction. An agreement may be made
14 under this subsection only with a state or jurisdiction that grants
15 equivalent privileges with respect to motor fuel consumed in the
16 other state or jurisdiction and on which a tax has been paid to this
17 state.

18 (b) The commissioner or, with his approval, the reciprocity
19 commission created by IC 9-28-4 may enter into a reciprocal
20 agreement with the appropriate official or officials of any other
21 state or jurisdiction to exempt commercial motor vehicles licensed
22 in the other state or jurisdiction from any of the requirements that
23 would otherwise be imposed by this chapter, including the
24 requirements for trip permits, temporary authorizations, repair
25 and maintenance permits, and annual permits and the payment of
26 fees for permits and authorizations. An agreement may be made
27 under this subsection only with a state or jurisdiction that grants
28 equivalent exemptions to motor vehicles licensed in Indiana.

29 Sec. 19. The commissioner shall enforce this chapter. The state
30 police department shall assist the commissioner in the enforcement
31 of this chapter.

32 Sec. 20. The department may enter into agreements for the
33 cooperative audit of the reports and returns of carriers with the
34 appropriate authorities of any other state or jurisdiction that
35 imposes a tax similar to the tax imposed under this chapter. An
36 officer or employee of another state or jurisdiction who audits
37 reports and returns under an agreement made under this section
38 is considered an authorized agent of this state for the purpose of
39 the audit. A cooperative audit conducted under an agreement made
40 under this section has the same effect as an audit conducted by the
41 department.

42 Sec. 21. If a carrier:



- 1 (1) fails to file a quarterly report required by this chapter;
 2 (2) fails to pay the tax imposed under section 4 or section 5 of
 3 this chapter;
 4 (3) files a report after the date established under this chapter;
 5 or
 6 (4) with respect to a listed tax (as defined in IC 6-8.1-1-1), fails
 7 to file all tax returns or information reports or to pay all
 8 taxes, penalties, and interest;
- 9 the commissioner may suspend or revoke any annual permit, trip
 10 permit, temporary authorization, or repair and maintenance
 11 permit issued to the carrier. The commissioner may reinstate a
 12 permit or temporary authorization if a carrier files all required
 13 returns and reports and pays all outstanding liabilities.
- 14 **Sec. 22. (a)** A person who knowingly makes a false statement or
 15 knowingly presents a fraudulent receipt for the sale of motor fuel
 16 for the purpose of:
 17 (1) obtaining;
 18 (2) attempting to obtain; or
 19 (3) assisting any other person to obtain or attempt to obtain;
 20 a credit, refund, or reduction of liability for the tax imposed under
 21 this chapter commits a Class C infraction.
- 22 (b) A carrier who knowingly violates this chapter, except for a
 23 violation covered by section 21 of this chapter, commits a Class C
 24 infraction.
- 25 **Sec. 23. (a)** The department or the state police department may
 26 impound a carrier's commercial motor vehicle if:
 27 (1) the carrier has not obtained an annual permit, a trip
 28 permit, a temporary authorization, or a repair and
 29 maintenance permit (as required under sections 16 through 17
 30 of this chapter) and the vehicle is operating on an Indiana
 31 highway;
 32 (2) there is not an emblem displayed on the vehicle as
 33 required by section 16 of this chapter, the driver does not
 34 have proof in the vehicle that the annual permit has been
 35 obtained, and the vehicle is operating on an Indiana highway;
 36 or
 37 (3) the cab card required under section 16 of this chapter is
 38 altered, false, or fictitious, the driver does not have proof in
 39 the vehicle that the annual permit has been obtained, and the
 40 vehicle is operating on an Indiana highway.
- 41 (b) To obtain possession of a vehicle impounded under this
 42 section, the carrier must first obtain:

C
O
P
Y

1 (1) the annual permit, trip permit, temporary authorization,
 2 or repair and maintenance permit;
 3 (2) a cab card; and
 4 (3) an emblem for the vehicle;
 5 as required by this chapter.

6 (c) Any cargo in an impounded vehicle shall be released, if the
 7 cargo is to be loaded into another commercial motor vehicle that
 8 is in compliance with this chapter.

9 Sec. 24. A person subject to the taxes imposed under sections 4
 10 through 5 of this chapter who fails to keep the books and records
 11 as required by IC 6-8.1-5 is subject to the penalty imposed under
 12 IC 6-8.1-10-4.

13 Sec. 25. A person subject to the taxes imposed under sections 4
 14 through 5 of this chapter who fails to file a quarterly report as
 15 required by section 14 of this chapter shall pay a civil penalty of
 16 three hundred dollars (\$300) for each report that is not filed.

17 Sec. 26. (a) If a person:

- 18 (1) fails to file a return for taxes due under this chapter;
 19 (2) fails to pay the full amount of tax shown on the person's
 20 return by the due date for the return or the payment; or
 21 (3) incurs a deficiency upon a determination by the
 22 department;

23 the person is subject to interest on the nonpayment.

24 (b) The interest for a failure described in subsection (a) is the
 25 rate of interest calculated under the interest provisions of the Base
 26 State Fuel Tax Agreement entered into by the department under
 27 IC 6-8.1-3-14.

28 Sec. 27. (a) If a person:

- 29 (1) fails to file a return for the tax due under this chapter on
 30 or by the due date for the return;
 31 (2) fails to pay the full amount of tax shown on the person's
 32 return on or by the due date for the payment; or
 33 (3) incurs, upon examination by the department, a deficiency
 34 that is due to negligence;

35 the person is subject to a penalty.

36 (b) The penalty for a failure described in subsection (a) is the
 37 penalty calculated under the penalty provisions of the Base State
 38 Fuel Tax Agreement entered into by the department under
 39 IC 6-8.1-3-14.

40 Sec. 28. (a) If the department believes that a person has not
 41 reported the proper amount of tax due, the department shall make
 42 a proposed assessment of the amount of the unpaid tax on the basis

C
O
P
Y



1 of the best information available to the department. The amount of
2 the assessment is:

- 3 (1) considered a tax payment not made by the due date;
4 (2) subject to sections 26 and 27 of this chapter; and
5 (3) subject to IC 6-8.1-10 concerning the imposition of
6 penalties and interest.

7 (b) The department shall issue notice and prescribe a period for
8 payment and protest under the provisions of the Base State Fuel
9 Tax Agreement entered into by the department under
10 IC 6-8.1-3-14. The notice of proposed assessment is prima facie
11 evidence that the department's claim for the unpaid tax is valid.
12 The burden of proving that the proposed assessment is wrong rests
13 with the person against whom the proposed assessment is made. If
14 the person files a protest and requires a hearing on the protest, the
15 department shall set the hearing at the department's earliest
16 convenient time and shall notify the person by United States mail
17 of the time, date, and location of the hearing. The department may
18 hold the hearing at the location of the department's choice in
19 Indiana.

20 Sec. 29. This section applies whenever the owner is required by
21 law to obtain an annual motor carrier fuel tax permit or a license
22 under a Base State Fuel Tax Agreement under IC 6-8.1-3-14 from
23 the department. The bureau of motor vehicles may not register or
24 license a motor bus, truck, tractor, trailer, or semitrailer used or
25 intended to be used by the owner for transportation of property
26 until the owner furnishes the bureau of motor vehicles with
27 reasonable proof that the owner has a permit or license issued by
28 the department.

29 Sec. 30. A special permit may not be issued under IC 9-20-6 to
30 a carrier that is required to be registered under this chapter or
31 under a Base State Fuel Tax Agreement under IC 6-8.1-3-14 until
32 the carrier furnishes reasonable proof of registration:

- 33 (1) under this chapter or under a Base State Fuel Tax
34 Agreement under IC 6-8.1-3-14; and
35 (2) under IC 9-18-2, if applicable.

36 Sec. 31. (a) Notwithstanding IC 6-8.1-7 and IC 9-14-3-1, the
37 department, the bureau of motor vehicles, and the Indiana
38 department of transportation shall share the information
39 regarding motor carriers and motor vehicles that is reasonably
40 necessary for the effective administration and enforcement of this
41 article and IC 9.

42 (b) For purposes of this section, the department may not divulge



C
O
P
Y

- 1 **information:**
 2 (1) regarding the motor carrier fuel taxes paid by specific
 3 motor carriers; or
 4 (2) contained on quarterly tax reports of specific motor
 5 carriers.
 6 **The department may provide statistical information that does not**
 7 **identify the amount of tax paid by a specific carrier.**
 8 **Chapter 19. Disclosure of Information**
 9 **Sec. 1. The rules of confidentiality established under IC 6-8.1-7**
 10 **apply to motor carrier services.**
 11 **Sec. 2. Information controlled by motor carrier services to**
 12 **which IC 6-8.1-7 does not apply is subject to the rules of disclosure**
 13 **of IC 9-14-3 and IC 9-14-3.5.**
 14 SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE
 15 JANUARY 1, 2002]: IC 6-6-4.1; IC 8-2; IC 8-2.1; IC 9-24-6-5.
 16 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **The department**
 17 **of state revenue shall update the department's rules to:**
 18 (1) **correct references in the rules to statutes added, amended,**
 19 **or repealed by this act; and**
 20 (2) **make other changes necessitated by the passage of this act.**
 21 **Rules adopted under this SECTION must take effect January 1,**
 22 **2002.**
 23 (b) **This SECTION expires June 30, 2002.**
 24 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **The legislative**
 25 **services agency shall prepare legislation for introduction in the**
 26 **2001 session of the general assembly to:**
 27 (1) **amend cross-references and references to state agencies**
 28 **affected by the passage of this act;**
 29 (2) **modernize, without substantive change, the text of**
 30 **IC 6-6.1, as added by this act; and**
 31 (3) **make other changes to statutes necessitated by the passage**
 32 **of this act.**
 33 (b) **This SECTION expires June 30, 2001.**
 34 SECTION 5. **An emergency is declared for this act.**

C
O
P
Y