



February 11, 2005

HOUSE BILL No. 1393

DIGEST OF HB 1393 (Updated February 8, 2005 11:50 am - DI 96)

Citations Affected: IC 8-15; IC 9-21.

Synopsis: Toll road speed limits. Establishes a maximum speed limit on the Indiana toll road of 70 mph or 65 mph for certain vehicles. Makes conforming amendments.

Effective: July 1, 2005.

Stutzman

January 13, 2005, read first time and referred to Committee on Roads and Transportation.
February 10, 2005, reported — Do Pass.

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HB 1393—LS 6494/DI 96+



February 11, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1393

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

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

- 1 SECTION 1. IC 8-15-2-17.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a)
3 Notwithstanding IC 9, the authority may adopt rules:
4 (1) Establishing weight and size limitations for vehicles using a
5 toll road project, subject to the following:
6 (A) The operator of any vehicle exceeding any of the
7 maximum allowable dimensions or weights as set out by the
8 authority in rules and regulations shall apply to the authority
9 in writing, for an application for a special hauling permit,
10 which application must be in compliance with all the terms
11 thereof, and which application must be received at least seven
12 (7) days prior to the time of permitted entry should such permit
13 be granted. Such permit, if granted, will be returned to the
14 applicant in duplicate, properly completed and numbered, and
15 the driver of the vehicle shall have a copy to present to the toll
16 attendant on duty at the point of entry.
17 (B) The authority shall assess a fee for issuing a special

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- 1 hauling permit. In assessing the fee, the authority shall take
- 2 into consideration the following factors:
- 3 (i) The administrative cost of issuing the permit.
- 4 (ii) The potential damage the vehicle represents to the
- 5 project.
- 6 (iii) The potential safety hazard the vehicle represents.
- 7 (2) Establishing the ~~speed at which a vehicle may be driven on a~~
- 8 ~~toll road project, including a~~ minimum speed ~~that and a~~
- 9 ~~maximum speed not in excess of the maximum provided in IC 9~~
- 10 **for motor vehicle may be driven on** the interstate defense
- 11 network of dual highways.
- 12 (3) Designating one-way traffic lanes on a toll road project.
- 13 (4) Determining the manner of operation of **motor** vehicles
- 14 entering and leaving traffic lanes on a toll road project.
- 15 (5) Determining the regulation of U-turns, of crossing or entering
- 16 medians, of stopping, parking, or standing, and of passing **motor**
- 17 vehicles on a toll road project.
- 18 (6) Determining the establishment and enforcement of traffic
- 19 control signs and signals for **motor** vehicles in traffic lanes,
- 20 acceleration and deceleration lanes, toll plazas, and interchanges
- 21 on a toll road project.
- 22 (7) Determining the limitation of entry to and exit from a toll road
- 23 project to designated entrances and exits.
- 24 (8) Determining the limitation on use of a toll road project by
- 25 pedestrians and aircraft and by vehicles of a type specified in such
- 26 rules and regulations.
- 27 (9) Regulating commercial activity on a toll road project,
- 28 including but not limited to:
- 29 (A) the offering or display of goods or services for sale;
- 30 (B) the posting, distributing, or displaying of signs,
- 31 advertisements, or other printed or written material; and
- 32 (C) the operation of a mobile or stationary public address
- 33 system.
- 34 (b) A person who violates a rule adopted under this section commits
- 35 a Class C infraction. However, a violation of a weight limitation
- 36 established by the authority under this section is:
- 37 (1) a Class B infraction if the total of all excesses of weight under
- 38 those limitations is more than five thousand (5,000) pounds but
- 39 not more than ten thousand (10,000) pounds; and
- 40 (2) a Class A infraction if the total of all excesses of weight under
- 41 those limitations is more than ten thousand (10,000) pounds.
- 42 (c) It is a defense to the charge of violating a weight limitation

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1 established by the authority under this section that the total of all
 2 excesses of weight under those limitations is less than one thousand
 3 (1,000) pounds.

4 (d) The court may suspend the registration of a vehicle that violated
 5 a size or weight limitation established by the authority under this
 6 section for a period of not more than ninety (90) days.

7 (e) Upon the conviction of a person for a violation of a weight or
 8 size limitation established by the authority under this section, the court
 9 may recommend suspension of ~~his~~ **the person's** current chauffeur's
 10 license only if the violation was committed knowingly.

11 SECTION 2. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2005]: Sec. 2. Except when a special hazard
 13 exists that requires lower speed for compliance with section 1 of this
 14 chapter, the slower speed limit specified in this section or established
 15 as authorized by section 3 of this chapter is the maximum lawful speed.
 16 A person may not drive a **motor** vehicle on a highway at a speed in
 17 excess of the following maximum limits:

18 (1) Thirty (30) miles per hour in an urban district.

19 (2) Fifty-five (55) miles per hour, except as provided in
 20 subdivisions (1), (3), and (4), **and (6).**

21 (3) Sixty-five (65) miles per hour on a highway on the national
 22 system of interstate and defense highways located outside of an
 23 urbanized area (as defined in 23 U.S.C. 101) with a population of
 24 at least fifty thousand (50,000), except as provided in subdivision
 25 (4).

26 (4) Sixty (60) miles per hour for a **motor** vehicle (other than a
 27 bus) having a declared gross weight greater than twenty-six
 28 thousand (26,000) pounds on a highway on the national system of
 29 interstate and defense highways located outside an urbanized area
 30 (as defined in 23 U.S.C. 101) with a population of at least fifty
 31 thousand (50,000).

32 (5) Fifteen (15) miles per hour in an alley.

33 **(6) On a highway that is the responsibility of the Indiana
 34 transportation finance authority established by IC 8-9.5-8-2:**

35 **(A) seventy (70) miles per hour for:**

36 **(i) a motor vehicle having a declared gross weight of not
 37 more than twenty-six thousand (26,000) pounds; or**

38 **(ii) a bus; or**

39 **(B) sixty-five (65) miles per hour for a motor vehicle
 40 having a declared gross weight greater than twenty-six
 41 (26,000) thousand pounds.**

42 SECTION 3. IC 9-21-5-3 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed limits set
 2 forth in section 2 of this chapter may be altered as follows:
 3 (1) By local jurisdictions under section 6 of this chapter.
 4 (2) By the Indiana department of transportation under section 12
 5 of this chapter.
 6 ~~(3) By the transportation finance authority under IC 8-15-2-17.2.~~
 7 ~~(4)~~ (3) For the purposes of speed limits on a highway on the
 8 national system of interstate and defense highways, by order of
 9 the commissioner of the Indiana department of transportation to
 10 conform to any federal regulation concerning state speed limit
 11 laws.
 12 ~~(5)~~ (4) In worksites, by all jurisdictions under section 11 of this
 13 chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 6, nays 4.

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