



February 17, 2010

**ENGROSSED
HOUSE BILL No. 1084**

DIGEST OF HB 1084 (Updated February 16, 2010 11:23 am - DI 71)

Citations Affected: IC 9-13; IC 9-20; IC 9-21; IC 9-24; noncode.

Synopsis: Various motor vehicle matters. Provides that the maximum weight limitation for a heavy duty vehicle that is equipped with an auxiliary power unit for climate control or electrical purposes is increased by 400 pounds. Provides that a motor carrier or an operator of a commercial motor vehicle that provides the intrastate commercial transport of one or more metal coils of a certain weight commits a Class A misdemeanor unless the operator of the commercial motor vehicle has been certified in proper load securement. Requires the department of revenue to adopt rules concerning the certification of commercial motor vehicle operators who transport one or more metal coils of a certain weight. Deletes a cross-reference to a repealed section.

Effective: Upon passage; July 1, 2010.

Avery, Duncan, Blanton
(SENATE SPONSORS — STEELE, HUME, LEWIS)

January 5, 2010, read first time and referred to Committee on Roads and Transportation.
January 28, 2010, reported — Do Pass.
February 1, 2010, read second time, amended, ordered engrossed.
February 2, 2010, engrossed. Read third time, passed. Yeas 96, nays 1.

SENATE ACTION

February 8, 2010, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
February 16, 2010, amended, reported favorably — Do Pass.

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EH 1084—LS 6685/DI 103+



February 17, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

ENGROSSED HOUSE BILL No. 1084

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

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

1 SECTION 1. IC 9-13-2-10.2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]: **Sec. 10.2. "Auxiliary power unit", for purposes of**
4 **IC 9-20-4-1(b), means an integrated system that:**

- 5 (1) provides heat, air conditioning, engine warming, or
- 6 electricity to components on a heavy duty vehicle; and
- 7 (2) is certified by the administrator of the United States
- 8 Environmental Protection Agency under 40 CFR 89 as
- 9 meeting applicable emission standards.

10 SECTION 2. IC 9-13-2-72.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2010]: **Sec. 72.5. "Heavy duty vehicle", for purposes of**
13 **IC 9-20-4-1(b), means a vehicle that:**

- 14 (1) has a gross vehicle weight rating greater than eight
- 15 thousand five hundred (8,500) pounds; and
- 16 (2) is powered by a diesel engine.

17 SECTION 3. IC 9-20-4-1 IS AMENDED TO READ AS FOLLOWS

EH 1084—LS 6685/DI 103+



1 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except as provided in
 2 subsections (b) and (c), a person may not operate or cause to be
 3 operated upon an Indiana highway a vehicle or combination of vehicles
 4 having weight in excess of one (1) or more of the following limitations:

5 (1) The total gross weight, with load, in pounds of any vehicle or
 6 combination of vehicles may not exceed an overall gross weight
 7 on a group of two (2) or more consecutive axles produced by
 8 application of the following formula:

$$9 \quad W = 500 \{ [(LN) \div (N-1)] + 12N + 36 \}$$

10 where W equals the overall gross weight on any group of two (2)
 11 or more consecutive axles to the nearest five hundred (500)
 12 pounds, L equals the distance in feet between the extreme of any
 13 group of two (2) or more consecutive axles, and N equals the
 14 number of axles in the group under consideration, except that two
 15 (2) consecutive sets of tandem axles may carry a gross load of
 16 thirty-four thousand (34,000) pounds each, providing the overall
 17 distance between the first and last axles of the consecutive sets of
 18 tandem axles is thirty-six (36) feet or more. The overall gross
 19 weight limit, calculated under this subdivision, may not exceed
 20 eighty thousand (80,000) pounds.

21 (2) The weight concentrated on the roadway surface from any
 22 tandem axle group may not exceed the following:

23 (A) Thirty-four thousand (34,000) pounds total weight.

24 (B) Twenty thousand (20,000) pounds on an individual axle in
 25 a tandem group.

26 (3) A vehicle may not have a maximum wheel weight, unladen or
 27 with load, in excess of eight hundred (800) pounds per inch width
 28 of tire, measured between the flanges of the rim or an axle weight
 29 in excess of twenty thousand (20,000) pounds.

30 (b) The enforcement of weight limits under this section is subject to
 31 the following:

32 (1) It is lawful to operate within the scope of a permit, under
 33 weight limitations established by the Indiana department of
 34 transportation and in effect on July 1, 1956, as provided in
 35 IC 9-20-6.

36 (2) It is lawful to operate or cause to be operated a vehicle or
 37 combination of vehicles on a heavy duty highway or an extra
 38 heavy duty highway designated by the Indiana department of
 39 transportation if operated within the imposed limitations.

40 (3) Whenever any of the weight limitations provided in subsection
 41 (a) are utilized on any interstate highway in Indiana, the reference
 42 to weight tolerance in IC 9-20-18-2 does not apply.

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1 ~~(4)~~ **(3)** Subsection (a) does not apply to any highway, road, street,
2 or bridge for which a lesser weight limit is imposed by local
3 authorities under IC 9-20-1-4 or IC 9-20-7-2. However, the local
4 authority may by appropriate action establish and designate a
5 county or city highway, road, or street or part of a highway, road,
6 or street as a heavy duty highway subject to the weight limitations
7 established under IC 9-20-5.

8 ~~(5)~~ **(4)** Vehicles operated on toll road facilities are subject to rules
9 of weight adopted for toll road facilities by the Indiana
10 department of transportation under IC 8-15-2 and are not subject
11 to subsection (a) when operated on a toll road facility.

12 **(5) For purposes of a heavy duty vehicle that is equipped with
13 an auxiliary power unit, the weight limitations provided in
14 subsection (a) are increased by four hundred (400) pounds.**

15 (c) The greater of the weight limits imposed under subsection (a) or
16 this subsection applies to vehicles operated upon an Indiana highway.
17 The weight limits in effect on January 4, 1975, for any highway that is
18 not designated as a heavy duty highway under IC 9-20-5 are the
19 following:

20 (1) The total gross weight, with load, in pounds of a vehicle or
21 combination of vehicles may not exceed seventy-three thousand
22 two hundred eighty (73,280) pounds.

23 (2) The total weight concentrated on the roadway surface from a
24 tandem axle group may not exceed sixteen thousand (16,000)
25 pounds for each axle of a tandem assembly.

26 (3) A vehicle may not have a maximum wheel weight, unladen or
27 with load, in excess of eight hundred (800) pounds per inch width
28 of tire, measured between the flanges of the rim, or an axle weight
29 greater than eighteen thousand (18,000) pounds.

30 SECTION 4. IC 9-21-8-49, AS AMENDED BY P.L.40-2007,
31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2010]: Sec. 49. Except as provided in sections 50, 51, 52, 54,
33 55, ~~and~~ 56, **and 58** of this chapter, a person who violates this chapter
34 commits a Class C infraction.

35 SECTION 5. IC 9-21-8-58 IS ADDED TO THE INDIANA CODE
36 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2010]: **Sec. 58. (a) This section applies only to intrastate carriers
38 of metal coils.**

39 **(b) 49 CFR 393.120 is adopted as Indiana law.**

40 **(c) A motor carrier (as defined in IC 8-2.1-17-10) may not
41 initiate or terminate the commercial transport within Indiana by
42 commercial motor vehicle of one (1) or more metal coils that,**

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1 individually or grouped together, weigh at least two thousand two
2 hundred sixty-eight (2,268) kilograms (five thousand (5,000)
3 pounds), as provided in 49 CFR 393.120, unless the operator of the
4 commercial motor vehicle transporting the metal coil or coils is
5 certified in proper load securement as provided in 49 CFR 393.120.

6 (d) An operator of a commercial motor vehicle may not initiate
7 or terminate the commercial transport within Indiana by the
8 commercial motor vehicle of one (1) or more metal coils that,
9 individually or grouped together, weigh at least two thousand two
10 hundred sixty-eight (2,268) kilograms (five thousand (5,000)
11 pounds), as provided in 49 CFR 393.120, unless the operator of the
12 commercial motor vehicle transporting the metal coil or coils is
13 certified in proper load securement as provided in 49 CFR 393.120.

14 (e) The department of revenue shall adopt and enforce rules
15 under IC 4-22-2 concerning the certification in proper load
16 securement (as provided in 49 CFR 393.120) of operators of
17 commercial motor vehicles engaged in the commercial transport
18 of one (1) or more metal coils, as provided in 49 CFR 393.120. The
19 rules adopted under this subsection must recognize metal coil
20 shipping certificates issued by other states.

21 (f) A person who knowingly or intentionally violates subsection
22 (c) or (d) commits a Class A misdemeanor.

23 SECTION 6. IC 9-24-6-2, AS AMENDED BY P.L.76-2009,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2010]: Sec. 2. (a) The bureau shall adopt rules under
26 IC 4-22-2 to regulate persons required to hold a commercial driver's
27 license.

28 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49
29 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49
30 CFR 383 through 384, and may not be more restrictive than the federal
31 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law
32 106-159, 113 Stat. 1748).

33 (c) Rules adopted under this section must include the following:

34 (1) Establishment of classes and periods of validation of
35 commercial driver's licenses, including the period set forth in
36 IC 9-24-12-6(e).

37 (2) Standards for commercial driver's licenses, including
38 suspension and revocation procedures.

39 (3) Requirements for documentation of eligibility for legal
40 employment, as set forth in 8 CFR 274a.2, and proof of Indiana
41 residence.

42 (4) Development of written or oral tests, driving tests, and fitness

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- 1 requirements.
- 2 (5) Defining the commercial driver's licenses by classification and
- 3 the information to be contained on the licenses, including a
- 4 unique identifier of the holder.
- 5 (6) Establishing fees for the issuance of commercial driver's
- 6 licenses, including fees for testing and examination.
- 7 (7) Procedures for the notification by the holder of a commercial
- 8 driver's license to the bureau and the driver's employer of
- 9 pointable traffic offense convictions.
- 10 (8) Conditions for reciprocity with other states, including
- 11 requirements for a written commercial driver's license test and
- 12 operational skills test, and a hazardous materials endorsement
- 13 written test and operational skills test, before a license may be
- 14 issued.
- 15 **(9) Certification of commercial motor vehicle operators who**
- 16 **transport one (1) or more metal coils that, individually or**
- 17 **grouped together, weigh at least two thousand two hundred**
- 18 **sixty-eight (2,268) kilograms (five thousand (5,000) pounds),**
- 19 **as to proper load securement of the metal coil or coils as**
- 20 **provided in 49 CFR 393.120.**
- 21 ~~(9)~~ **(10) Other rules necessary to administer this chapter.**
- 22 (d) 49 CFR 383 through 384 and **49 CFR 393.120** are adopted as
- 23 Indiana law.
- 24 SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
- 25 **SECTION, "bureau" refers to the bureau of motor vehicles**
- 26 **created by IC 9-14-1-1.**
- 27 **(b) Notwithstanding IC 9-21-8-58, as added by this act, and**
- 28 **IC 9-24-6-2(c)(9), as amended by this act:**
- 29 **(1) the bureau shall carry out the duties imposed upon the**
- 30 **bureau under IC 9-24-6-2(c)(9), as amended by this act, under**
- 31 **interim written guidelines approved by the commissioner of**
- 32 **the bureau; and**
- 33 **(2) the department of revenue shall carry out the duties**
- 34 **imposed upon the department of revenue under IC 9-21-8-58,**
- 35 **as added by this act, under interim written guidelines**
- 36 **approved by the commissioner of the department of revenue.**
- 37 **(c) This SECTION expires on the earlier of the following:**
- 38 **(1) The date rules are adopted under IC 9-21-8-58, as added**
- 39 **by this act, and IC 9-24-6-2(c)(9), as amended by this act.**
- 40 **(2) December 31, 2011.**
- 41 SECTION 8. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1084, 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.

AUSTIN, Chair

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1084 be amended to read as follows:

Page 3, after line 29, begin a new paragraph and insert:

"SECTION 4. IC 9-21-8-49, AS AMENDED BY P.L.40-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 49. Except as provided in sections 50, 51, 52, 54, 55, ~~and~~ 56, **and 58** of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 5. IC 9-21-8-58 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 58. (a) 49 CFR 393.120 is adopted as Indiana law.**

(b) A motor carrier (as defined in IC 8-2.1-17-10) may not initiate or terminate the commercial transport within Indiana by commercial motor vehicle of one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as provided in 49 CFR 393.120, unless the operator of the commercial motor vehicle transporting the metal coil or coils is certified in proper load securement as provided in 49 CFR 393.120.

(c) An operator of a commercial motor vehicle may not initiate or terminate the commercial transport within Indiana by the commercial motor vehicle of one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as provided in 49 CFR 393.120, unless the operator of the commercial motor vehicle transporting the metal coil or coils is certified in proper load securement as provided in 49 CFR 393.120.

(d) The bureau shall adopt and enforce rules under IC 4-22-2 concerning the certification in proper load securement (as

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provided in 49 CFR 393.120) of operators of commercial motor vehicles engaged in the commercial transport of one (1) or more metal coils, as provided in 49 CFR 393.120.

(e) A person who knowingly or intentionally violates subsection (b) or (c) commits a Class A misdemeanor.

SECTION 6. IC 9-24-6-2, AS AMENDED BY P.L.76-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses, including the period set forth in IC 9-24-12-6(e).
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of Indiana residence.
- (4) Development of written or oral tests, driving tests, and fitness requirements.
- (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.
- (6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.
- (7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.
- (8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Certification of commercial motor vehicle operators who transport one (1) or more metal coils that, individually or grouped together, weigh at least two thousand two hundred

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sixty-eight (2,268) kilograms (five thousand (5,000) pounds), as to proper load securement of the metal coil or coils as provided in 49 CFR 393.120.

~~(9)~~ (10) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 and 49 CFR 393.120 are adopted as Indiana law.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.

(b) Notwithstanding IC 9-21-8-58, as added by this act, and IC 9-24-6-2(c)(9), as amended by this act, the bureau shall carry out the duties imposed upon the bureau under IC 9-21-8-58, as added by this act, and IC 9-24-6-2(c)(9), as amended by this act, under interim written guidelines approved by the commissioner of the bureau.

(c) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 9-21-8-58, as added by this act, and IC 9-24-6-2(c)(9), as amended by this act.
- (2) December 31, 2011.

SECTION 8. An emergency is declared for this act."

(Reference is to HB 1084 as printed January 29, 2010.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1084, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 37, after "(a)" insert "**This section applies only to intrastate carriers of metal coils.**

(b)".

Page 3, line 38, delete "(b)" and insert "(c)".

Page 4, line 4, delete "(c)" and insert "(d)".

Page 4, line 12, delete "(d)" and insert "(e)".

Page 4, line 12, delete "bureau" and insert "**department of revenue**".

Page 4, line 16, after "49 CFR 393.120." insert "**The rules adopted under this subsection must recognize metal coil shipping**

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certificates issued by other states."

Page 4, line 17, delete "(e)" and insert "**(f)**".

Page 4, line 18, delete "(b) or".

Page 4, line 18, after "(c)" insert "**or (d)**".

Page 5, line 24, delete "act," and insert "**act:**
(1)".

Page 5, line 25, delete "IC 9-21-8-58, as".

Page 5, line 26, delete "added by this act, and".

Page 5, line 28, delete "." and insert "**; and**

(2) the department of revenue shall carry out the duties imposed upon the department of revenue under IC 9-21-8-58, as added by this act, under interim written guidelines approved by the commissioner of the department of revenue."

and when so amended that said bill do pass.

(Reference is to HB 1084 as reprinted February 2, 2010.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 0.

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