

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

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

- 1 Page 3, after line 29, begin a new paragraph and insert:
- 2 "SECTION 4. IC 9-21-8-49, AS AMENDED BY P.L.40-2007,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2010]: Sec. 49. Except as provided in sections 50, 51, 52, 54,
- 5 55, ~~and~~ 56, **and 58** of this chapter, a person who violates this chapter
- 6 commits a Class C infraction.
- 7 SECTION 5. IC 9-21-8-58 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2010]: **Sec. 58. (a) 49 CFR 393.120 is adopted as Indiana law.**
- 10 **(b) A motor carrier (as defined in IC 8-2.1-17-10) may not**
- 11 **initiate or terminate the commercial transport within Indiana by**
- 12 **commercial motor vehicle of one (1) or more metal coils that,**
- 13 **individually or grouped together, weigh at least two thousand two**
- 14 **hundred sixty-eight (2,268) kilograms (five thousand (5,000)**
- 15 **pounds), as provided in 49 CFR 393.120, unless the operator of the**
- 16 **commercial motor vehicle transporting the metal coil or coils is**
- 17 **certified in proper load securement as provided in 49 CFR 393.120.**
- 18 **(c) An operator of a commercial motor vehicle may not initiate**
- 19 **or terminate the commercial transport within Indiana by the**
- 20 **commercial motor vehicle of one (1) or more metal coils that,**
- 21 **individually or grouped together, weigh at least two thousand two**
- 22 **hundred sixty-eight (2,268) kilograms (five thousand (5,000)**
- 23 **pounds), as provided in 49 CFR 393.120, unless the operator of the**
- 24 **commercial motor vehicle transporting the metal coil or coils is**

1 **certified in proper load securement as provided in 49 CFR 393.120.**

2 **(d) The bureau shall adopt and enforce rules under IC 4-22-2**
3 **concerning the certification in proper load securement (as**
4 **provided in 49 CFR 393.120) of operators of commercial motor**
5 **vehicles engaged in the commercial transport of one (1) or more**
6 **metal coils, as provided in 49 CFR 393.120.**

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

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

14 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49
15 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49
16 CFR 383 through 384, and may not be more restrictive than the federal
17 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law
18 106-159, 113 Stat. 1748).

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

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

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

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

28 (4) Development of written or oral tests, driving tests, and fitness
29 requirements.

30 (5) Defining the commercial driver's licenses by classification and
31 the information to be contained on the licenses, including a
32 unique identifier of the holder.

33 (6) Establishing fees for the issuance of commercial driver's
34 licenses, including fees for testing and examination.

35 (7) Procedures for the notification by the holder of a commercial
36 driver's license to the bureau and the driver's employer of
37 pointable traffic offense convictions.

38 (8) Conditions for reciprocity with other states, including
39 requirements for a written commercial driver's license test and
40 operational skills test, and a hazardous materials endorsement
41 written test and operational skills test, before a license may be
42 issued.

43 **(9) Certification of commercial motor vehicle operators who**
44 **transport one (1) or more metal coils that, individually or**
45 **grouped together, weigh at least two thousand two hundred**
46 **sixty-eight (2,268) kilograms (five thousand (5,000) pounds),**

1 **as to proper load securement of the metal coil or coils as**
2 **provided in 49 CFR 393.120.**

3 ~~(9)~~ **(10)** Other rules necessary to administer this chapter.

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

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

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

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

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

18 **(2) December 31, 2011.**

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

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

Representative Koch