February 1, 2013

HOUSE BILL No. 1481

DIGEST OF HB 1481 (Updated January 30, 2013 2:22 pm - DI 96)

Citations Affected: IC 9-13; IC 9-20; IC 9-29; IC 10-11.

Synopsis: Permits for loads. Authorizes the Indiana department of transportation (department) or a local authority to grant permits for transporting overweight divisible loads. Requires the department to adopt rules for the: (1) issuance, fee structure, and enforcement of overweight divisible loads; (2) fee structure of loads on extra heavy duty highways; and (3) fee structure of overweight loads. Provides definitions for equivalent single axle load mile (mile) and overweight divisible load for purposes of transportation. Authorizes the department to charge five cents per mile for a permit for an overweight divisible load. Makes conforming amendments.

Effective: Upon passage.

Slager, Bacon, Lehman

January 22, 2013, read first time and referred to Committee on Roads and Transportation.
January 31, 2013, amended, reported — Do Pass.

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February 1, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1481

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:

SECTION 1. IC 9-13-2-49.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 49.9. (a) "Equivalent single axle load mile", for purposes of IC 9-29-6, has the meaning set forth in IC 9-29-6-0.5.**

(b) This section expires on the date IC 9-29-6-0.5 expires.

SECTION 2. IC 9-13-2-120.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 120.7. (a) "Overweight divisible load" means a tractor-semitrailer and load that:**

(1) can be traditionally separated or reduced to meet the specified regulatory limits for weight;

(2) are involved in hauling, delivering, or otherwise carrying metal or agricultural commodities;

(3) meet other requirements for height, length, and width;

(4) weigh more than the eighty thousand (80,000) pound gross vehicle weight limit in IC 9-20-5 but weighs not more than:

(A) one hundred twenty thousand (120,000) pounds if hauling metal commodities; and

(B) ninety-seven thousand (97,000) pounds if hauling agricultural commodities; and

(5) have the following configurations:

(A) A maximum wheel weight, unladen or with load, not to exceed eight hundred (800) pounds per inch of tire, measured between the flanges of the rim.

(B) A single axle weight not to exceed twenty thousand (20,000) pounds.

(C) An axle in an axle combination not to exceed twenty thousand (20,000) pounds per axle, with the exception of one (1) tandem group that may weigh twenty-four thousand (24,000) pounds per axle or a total of forty-eight thousand (48,000) pounds.

(b) Subsection (a)(5) and this subsection expire on the earlier of the following dates:

(1) The date rules are adopted as required under IC 9-29-6-13.

(2) December 31, 2014.

SECTION 3. IC 9-13-2-187.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 187.5. **(a)** "Trip", for purposes of IC 9-29-6-1, means the movement of a vehicle or combination of vehicles having a total gross weight greater than eighty thousand (80,000) pounds but less than one hundred thirty-four thousand (134,000) pounds within a twenty-four (24) hour period.

(b) This section expires on the date IC 9-29-6-1 expires.

SECTION 4. IC 9-20-6-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. The Indiana department of transportation or local authority that:**

(1) has jurisdiction over a state highway, an interstate highway, or a local street; and

(2) is responsible for the repair and maintenance of the state highway, interstate highway, or local street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting overweight divisible loads.

SECTION 5. IC 9-29-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) As used in this chapter, "equivalent single axle load mile" is a unit used to quantify various types of axle loadings into a single number. The number of equivalent single**

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axle load miles that apply to a trip is the amount determined under STEP ELEVEN of the following formula:

STEP ONE: Determine the result of:

(A) the first or next single axle weight in pounds of the vehicle; divided by

(B) eighteen thousand (18,000).

STEP TWO: Determine the result of the STEP ONE amount raised to the fourth power.

STEP THREE: Repeat STEP ONE and STEP TWO for each additional single axle on the vehicle.

STEP FOUR: Determine the sum of the resulting amounts from STEP TWO and STEP THREE of all single axles on the vehicle.

STEP FIVE: Determine the result of:

(A) the first or next tandem axle group weight in pounds; divided by

(B) thirty-three thousand two hundred (33,200).

STEP SIX: Determine the result of the STEP FIVE amount raised to the fourth power.

STEP SEVEN: Repeat STEP FIVE and STEP SIX for each additional tandem axle group on the vehicle.

STEP EIGHT: Determine the sum of the resulting amounts from STEP SIX and STEP SEVEN of all tandem axle groups on the vehicle.

STEP NINE: Determine the sum of the STEP FOUR amount and the STEP EIGHT amount.

STEP TEN: Subtract three (3) from the STEP NINE amount.

STEP ELEVEN: Determine the result of:

(A) the STEP TEN amount; multiplied by

(B) the number of miles in the trip.

(b) This section expires on the earlier of the following dates:

(1) The date rules are adopted as required under section 13 of this chapter.

(2) December 31, 2014.

SECTION 6. IC 9-29-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A vehicle or combination of vehicles having a total gross weight greater than eighty thousand (80,000) pounds but less than one hundred thirty-four thousand (134,000) pounds must obtain a special weight permit for each trip on an extra heavy duty highway. The fee for this special weight permit is forty-one dollars and fifty cents ($41.50).

(b) This section expires on the earlier of the following dates:

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(1) The date rules are adopted as required under section 13 of this chapter.

(2) December 31, 2014.

SECTION 7. IC 9-29-6-3, AS AMENDED BY P.L.6-2012, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fees for permits issued under IC 9-20-6 to exceed the legal weight limit are as follows:

(1) A trip permit, twenty dollars ($20).

(2) A mileage fee, which is in addition to the trip permit fee in subdivision (1), to be calculated for that part of the gross weight exceeding eighty thousand (80,000) pounds as follows:

(A) For loads greater than eighty thousand (80,000) pounds but not more than one hundred eight thousand (108,000) pounds, thirty-five cents ($0.35) per mile.

(B) For loads greater than one hundred eight thousand (108,000) pounds but not more than one hundred fifty thousand (150,000) pounds, sixty cents ($0.60) per mile.

(C) For loads greater than one hundred fifty thousand (150,000) pounds, one dollar ($1) per mile.

(3) A ninety (90) day permit, two hundred dollars ($200).

(4) An annual permit issued under IC 9-20-6-2(c), eight hundred dollars ($800).

(b) If an application for a permit involves transporting heavy vehicles or loads, or other objects, that exceed the legal length, width, or height limit and that also exceed the legal weight limit in the same movement, the applicant shall pay only the greater of the two (2) fees established in section 2 or 3 of this chapter and the issuing officer or body shall issue a single oversize-overweight permit. The fee for a ninety (90) day permit described in IC 9-20-6-2(c)(3) is two hundred dollars ($200).

(c) This section expires of the earlier of the following dates:

(1) The date rules are adopted as required under section 13 of this chapter.

(2) July 1, 2014.

SECTION 8. IC 9-29-6-10, AS AMENDED BY P.L.125-2012, SECTION 321, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) Except as provided in subsection (b),** whenever a permit is issued by the Indiana department of transportation under IC 9-20-6, the Indiana department of transportation shall fix the fee to be paid. Upon payment of the fee, the Indiana department of transportation shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

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(b) The fee for a permit issued under IC 9-20-6-2.5 for an overweight divisible load is five cents ($0.05) per equivalent single axle load mile. Upon payment of the fee, the Indiana department of transportation shall validate the permit. The revenue from the fee shall be credited to the state highway fund.

(c) Subsection (b) and this subsection expire on the earlier of the following dates:

(1) The date rules are adopted under IC 9-20-6-2.5(b).

(2) July 1, 2015.

SECTION 9. IC 9-29-6-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The Indiana department of transportation shall adopt rules under IC 4-22-2 for the:**

(1) issuance, fee structure, and enforcement of overweight divisible loads;

(2) fee structure of loads on extra heavy duty highways; and

(3) fee structure of overweight loads;

not later than December 31, 2014.

(b) The fees outlined in the rules under subsection (a) may not be increased more often than once every two (2) years.

SECTION 10. IC 10-11-2-26, AS AMENDED BY P.L.125-2012, SECTION 399, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.

(2) IC 6-6-1.1-1202.

(3) IC 6-6-2.5.

(4) IC 6-6-4.1-12.

(5) IC 8-2.1.

(6) IC 9-18.

(7) IC 9-19.

(8) IC 9-20.

(9) IC 9-21-7-2 through IC 9-21-7-11.

(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.

(11) IC 9-21-8-45 through IC 9-21-8-48.

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(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through IC 9-24-1-1.5.
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
(29) IC 9-29-6-1.
(30) IC 10-14-8.
(31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
(32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.

SECTION 11. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1481, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 3, after "49.9." insert "**(a)**".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"**(b) This section expires on the date IC 9-29-6-0.5 expires.**".

Page 1, line 7, after "120.7." insert "**(a)**".

Page 2, line 4, delete "single axle weight of twenty-nine thousand (29,000)" and insert "**maximum wheel weight, unladen or with load, not to exceed eight hundred (800) pounds per inch of tire, measured between the flanges of the rim.**

(B) A single axle weight not to exceed twenty thousand (20,000) pounds.

(C) An axle in an axle combination not to exceed twenty thousand (20,000) pounds per axle, with the exception of one (1) tandem group that may weigh twenty-four thousand (24,000) pounds per axle or a total of forty-eight thousand (48,000) pounds.

(b) Subsection (a)(5) and this subsection expire on the earlier of the following dates:

(1) The date rules are adopted as required under IC 9-29-6-13.

(2) December 31, 2014.

SECTION 3. IC 9-13-2-187.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 187.5. **(a)** "Trip", for purposes of IC 9-29-6-1, means the movement of a vehicle or combination of vehicles having a total gross weight greater than eighty thousand (80,000) pounds but less than one hundred thirty-four thousand (134,000) pounds within a twenty-four (24) hour period.

(b) This section expires on the date IC 9-29-6-1 expires.".

Page 2, delete lines 5 through 24.

Page 2, line 27, delete "(a)".

Page 2, line 34, delete "single trip or single route".

Page 2, delete lines 36 through 41.

Page 3, line 2, after "0.5." insert "**(a)**".

Page 3, line 6, delete "TEN" and insert "**ELEVEN**".

Page 3, line 31, delete "Determine the result of" and insert "**Subtract three (3) from the STEP NINE amount.**

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STEP ELEVEN: Determine the result of:

(A) the STEP TEN amount; multiplied by

(B) the number of miles in the trip.

(b) This section expires on the earlier of the following dates:

(1) The date rules are adopted as required under section 13 of this chapter.

(2) December 31, 2014.".

Page 3, delete lines 32 through 33, begin a new paragraph and insert:

"SECTION 6. IC 9-29-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A vehicle or combination of vehicles having a total gross weight greater than eighty thousand (80,000) pounds but less than one hundred thirty-four thousand (134,000) pounds must obtain a special weight permit for each trip on an extra heavy duty highway. The fee for this special weight permit is forty-one dollars and fifty cents ($41.50).

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(1) The date rules are adopted as required under section 13 of this chapter.

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SECTION 7. IC 9-29-6-3, AS AMENDED BY P.L.6-2012, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fees for permits issued under IC 9-20-6 to exceed the legal weight limit are as follows:

(1) A trip permit, twenty dollars ($20).

(2) A mileage fee, which is in addition to the trip permit fee in subdivision (1), to be calculated for that part of the gross weight exceeding eighty thousand (80,000) pounds as follows:

(A) For loads greater than eighty thousand (80,000) pounds but not more than one hundred eight thousand (108,000) pounds, thirty-five cents ($0.35) per mile.

(B) For loads greater than one hundred eight thousand (108,000) pounds but not more than one hundred fifty thousand (150,000) pounds, sixty cents ($0.60) per mile.

(C) For loads greater than one hundred fifty thousand (150,000) pounds, one dollar ($1) per mile.

(3) A ninety (90) day permit, two hundred dollars ($200).

(4) An annual permit issued under IC 9-20-6-2(c), eight hundred dollars ($800).

(b) If an application for a permit involves transporting heavy vehicles or loads, or other objects, that exceed the legal length, width, or height limit and that also exceed the legal weight limit in the same

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movement, the applicant shall pay only the greater of the two (2) fees established in section 2 or 3 of this chapter and the issuing officer or body shall issue a single oversize-overweight permit. The fee for a ninety (90) day permit described in IC 9-20-6-2(c)(3) is two hundred dollars ($200).

(c) This section expires of the earlier of the following dates:

(1) The date rules are adopted as required under section 13 of this chapter.

(2) July 1, 2014.".

Page 4, line 1, delete "as follows:".

Page 4, delete line 2.

Page 4, line 3, delete "(2) A fee of".

Page 4, line 4, delete ", which is in addition to the trip permit fee in subdivision" and insert "**.**".

Page 4, delete line 5.

Page 4, run in lines 1 through 6.

Page 4, after line 12, begin a new paragraph and insert:

"SECTION 9. IC 9-29-6-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The Indiana department of transportation shall adopt rules under IC 4-22-2 for the:**

(1) issuance, fee structure, and enforcement of overweight divisible loads;

(2) fee structure of loads on extra heavy duty highways; and

(3) fee structure of overweight loads;

not later than December 31, 2014.

(b) The fees outlined in the rules under subsection (a) may not be increased more often than once every two (2) years.

SECTION 10. IC 10-11-2-26, AS AMENDED BY P.L.125-2012, SECTION 399, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.

(2) IC 6-6-1.1-1202.

(3) IC 6-6-2.5.

(4) IC 6-6-4.1-12.

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(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through IC 9-24-1-1.5.
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
(29) IC 9-29-6-1.
(30) IC 10-14-8.
(31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
(32) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.

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SECTION 11. **An emergency is declared for this act.**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1481 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 11, nays 0.

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