

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1481**

Citations Affected: IC 8-23-2-6; IC 9-13-2; IC 9-20-6-2.5; IC 9-29-6; IC 10-11-2-26.

Synopsis: Permits for loads. Conference committee report for EHB 1481. Authorizes the Indiana department of transportation (department) or a local authority to grant permits for transporting overweight divisible loads. Authorizes the department to adopt emergency rules and requires the department to adopt emergency rules for the: (1) issuance, fee structure, and enforcement of permits for overweight divisible loads; (2) fee structure of permits for loads on extra heavy duty highways; and (3) fee structure of permits for overweight loads; and provides that the rules expire only with the adoption of a new superseding rule. Provides that the annual fee for an overweight divisible load permit may not exceed \$470. Provides definitions for equivalent single axle load mile (mile) and overweight divisible load for purposes of transportation. Requires the department to charge five cents per mile for a permit for an overweight divisible load. Requires the department to study the impact of overweight divisible loads on Indiana's transportation infrastructure and economy not later than December 31, 2014, and to: (1) consider the results of the study in adopting rules to establish fees for overweight divisible load permits; and (2) report the results of the study to the general assembly in an electronic format. **(This conference committee report: (1) provides for an expiration date concerning the requirement that the Indiana department of transportation must study the impact of overweight divisible loads; (2) removes language prohibiting fee increases provided by rule for permits for overweight divisible loads, loads on extra heavy duty highways, and permits for overweight loads any more often than once every two years; (3) adds language authorizing the department to adopt emergency rules; (4) adds language requiring the department to adopt emergency rules for the issuance, fee structure, and enforcement of permits for overweight divisible loads, fee structure of permits for loads on extra heavy duty highways, and fee structure of permits for overweight loads, and that such emergency rules expire only with the adoption of a new superseding rule; (5) deletes language requiring the department to adopt rules not later than December 31, 2014, for the issuance, fee structure, and enforcement of permits for overweight divisible loads, fee structure of permits for loads on extra heavy duty highways, and fee structure of permits for overweight loads; (6) revises the latest date that certain provisions expire from December 31, 2014, to December 31, 2013; and (7) makes a technical correction related to nomenclature.)**

Effective: Upon passage.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1481 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 8-23-2-6, AS AMENDED BY P.L.235-2005,
- 3 SECTION 123, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department, through
- 5 the commissioner or the commissioner's designee, may do the
- 6 following:
- 7 (1) Acquire by purchase, gift, or condemnation, sell, abandon,
- 8 own in fee or a lesser interest, hold, or lease property in the name
- 9 of the state, or otherwise dispose of or encumber property to carry
- 10 out its responsibilities.
- 11 (2) Contract with persons outside the department to do those
- 12 things that in the commissioner's opinion cannot be adequately or
- 13 efficiently performed by the department.
- 14 (3) Enter into:
- 15 (A) a contract with the Indiana finance authority under
- 16 IC 8-9.5-8-7; or
- 17 (B) a lease with the Indiana finance authority under
- 18 IC 8-9.5-8-8;
- 19 for the construction, reconstruction, improvement, maintenance,
- 20 repair, or operation of toll road projects under IC 8-15-2 and toll
- 21 bridges under IC 8-16-1.
- 22 (4) Sue and be sued, including, with the approval of the attorney

- 1 general, the compromise of any claims of the department.
2 (5) Hire attorneys.
3 (6) Perform all functions pertaining to the acquisition of property
4 for transportation purposes, including the compromise of any
5 claims for compensation.
6 (7) Hold investigations and hearings concerning matters covered
7 by orders and rules of the department.
8 (8) Execute all documents and instruments necessary to carry out
9 its responsibilities.
10 (9) Make contracts and expenditures, perform acts, enter into
11 agreements, and make rules, orders, and findings that are
12 necessary to comply with all laws, rules, orders, findings,
13 interpretations, and regulations promulgated by the federal
14 government in order to:
15 (A) qualify the department for; and
16 (B) receive;
17 federal government funding on a full or participating basis.
18 (10) Adopt rules under IC 4-22-2 to carry out its responsibilities,
19 **including emergency rules in the manner provided under**
20 **IC 4-22-2-37.1.**
21 (11) Establish regional offices.
22 (12) Adopt a seal.
23 (13) Perform all actions necessary to carry out the department's
24 responsibilities.
25 (14) Order a utility to relocate the utility's facilities and coordinate
26 the relocation of customer service facilities if:
27 (A) the facilities are located in a highway, street, or road; and
28 (B) the department determines that the facilities will interfere
29 with a planned highway or bridge construction or
30 improvement project funded by the department.
31 (15) Reimburse a utility:
32 (A) in whole or in part for extraordinary costs of relocation of
33 facilities;
34 (B) in whole for unnecessary relocations;
35 (C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;
36 (D) in whole for relocations covered by IC 8-1-9; and
37 (E) to the extent that a relocation is a taking of property
38 without just compensation.
39 (16) Provide state matching funds and undertake any surface
40 transportation project eligible for funding under federal law.
41 However, money from the state highway fund and the state
42 highway road construction and improvement fund may not be
43 used to provide operating subsidies to support a public
44 transportation system or a commuter transportation system.
45 (b) In the performance of contracts and leases with the Indiana
46 finance authority, the department has authority under IC 8-15-2, in the
47 case of toll road projects and IC 8-16-1, in the case of toll bridges
48 necessary to carry out the terms and conditions of those contracts and
49 leases.
50 (c) The department shall:

- 1 (1) classify as confidential any estimate of cost prepared in
- 2 conjunction with analyzing competitive bids for projects until a
- 3 bid below the estimate of cost is read at the bid opening;
- 4 (2) classify as confidential that part of the parcel files that contain
- 5 appraisal and relocation documents prepared by the department's
- 6 land acquisition division; and
- 7 (3) classify as confidential records that are the product of systems
- 8 designed to detect collusion in state procurement and contracting
- 9 that, if made public, could impede detection of collusive behavior
- 10 in securing state contracts.

11 This subsection does not apply to parcel files of public agencies or
 12 affect IC 8-23-7-10.

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

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

19 SECTION 3. IC 9-13-2-120.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: **Sec. 120.7. (a) "Overweight**
 22 **divisible load" means a tractor-semitrailer and load that:**

- 23 **(1) can be traditionally separated or reduced to meet the**
- 24 **specified regulatory limits for weight;**
- 25 **(2) are involved in hauling, delivering, or otherwise carrying**
- 26 **metal or agricultural commodities;**
- 27 **(3) meet other requirements for height, length, and width;**
- 28 **(4) weigh more than the eighty thousand (80,000) pound gross**
- 29 **vehicle weight limit in IC 9-20-5 but weigh not more than:**
 - 30 **(A) one hundred twenty thousand (120,000) pounds if**
 - 31 **hauling metal commodities; and**
 - 32 **(B) ninety-seven thousand (97,000) pounds if hauling**
 - 33 **agricultural commodities; and**
 - 34 **(5) have the following configurations:**
 - 35 **(A) A maximum wheel weight, unladen or with load, not to**
 - 36 **exceed eight hundred (800) pounds per inch of tire,**
 - 37 **measured between the flanges of the rim.**
 - 38 **(B) A single axle weight not to exceed twenty thousand**
 - 39 **(20,000) pounds.**
 - 40 **(C) An axle in an axle combination not to exceed twenty**
 - 41 **thousand (20,000) pounds per axle, with the exception of**
 - 42 **one (1) tandem group that may weigh twenty-four**
 - 43 **thousand (24,000) pounds per axle or a total of forty-eight**
 - 44 **thousand (48,000) pounds.**

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

- 47 **(1) The date rules are adopted as required under**
- 48 **IC 9-29-6-13.**
- 49 **(2) December 31, 2013.**

50 SECTION 4. IC 9-13-2-187.5 IS AMENDED TO READ AS
 51 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 187.5. (a) "Trip",**

1 for purposes of IC 9-29-6-1, means the movement of a vehicle or
 2 combination of vehicles having a total gross weight greater than eighty
 3 thousand (80,000) pounds but less than one hundred thirty-four
 4 thousand (134,000) pounds within a twenty-four (24) hour period.

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

6 SECTION 5. IC 9-20-6-2.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 2.5. The Indiana department of
 9 transportation or local authority that:**

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

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

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

16 SECTION 6. IC 9-29-6-0.5 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: **Sec. 0.5. (a) As used in this chapter, "equivalent
 19 single axle load mile" is a unit used to quantify various types of
 20 axle loadings into a single number. The number of equivalent single
 21 axle load miles that apply to a trip is the amount determined under
 22 STEP ELEVEN of the following formula:**

23 **STEP ONE: Determine the result of:**

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

26 **(B) eighteen thousand (18,000).**

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

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

31 **STEP FOUR: Determine the sum of the resulting amounts
 32 from STEP TWO and STEP THREE for all single axles on the
 33 vehicle.**

34 **STEP FIVE: Determine the result of:**

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

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

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

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

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

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

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

48 **STEP ELEVEN: Determine the result of:**

49 **(A) the STEP TEN amount; multiplied by**

50 **(B) the number of miles in the trip.**

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

- 1 **(1) The date rules are adopted as required under section 13 of**
 2 **this chapter.**
 3 **(2) December 31, 2013.**
 4 SECTION 7. IC 9-29-6-1 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A vehicle or combination
 6 of vehicles having a total gross weight greater than eighty thousand
 7 (80,000) pounds but less than one hundred thirty-four thousand
 8 (134,000) pounds must obtain a special weight permit for each trip on
 9 an extra heavy duty highway. The fee for this special weight permit is
 10 forty-one dollars and fifty cents (\$41.50).
 11 **(b) This section expires on the earlier of the following dates:**
 12 **(1) The date rules are adopted as required under section 13 of**
 13 **this chapter.**
 14 **(2) December 31, 2013.**
 15 SECTION 8. IC 9-29-6-3, AS AMENDED BY P.L.6-2012,
 16 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 3. (a) The fees for permits issued under
 18 IC 9-20-6 to exceed the legal weight limit are as follows:
 19 (1) A trip permit, twenty dollars (\$20).
 20 (2) A mileage fee, which is in addition to the trip permit fee in
 21 subdivision (1), to be calculated for that part of the gross weight
 22 exceeding eighty thousand (80,000) pounds as follows:
 23 (A) For loads greater than eighty thousand (80,000) pounds
 24 but not more than one hundred eight thousand (108,000)
 25 pounds, thirty-five cents (\$0.35) per mile.
 26 (B) For loads greater than one hundred eight thousand
 27 (108,000) pounds but not more than one hundred fifty
 28 thousand (150,000) pounds, sixty cents (\$0.60) per mile.
 29 (C) For loads greater than one hundred fifty thousand
 30 (150,000) pounds, one dollar (\$1) per mile.
 31 (3) A ninety (90) day permit, two hundred dollars (\$200).
 32 (4) An annual permit issued under IC 9-20-6-2(c), eight hundred
 33 dollars (\$800).
 34 (b) If an application for a permit involves transporting heavy
 35 vehicles or loads, or other objects, that exceed the legal length, width,
 36 or height limit and that also exceed the legal weight limit in the same
 37 movement, the applicant shall pay only the greater of the two (2) fees
 38 established in section 2 or 3 of this chapter and the issuing officer or
 39 body shall issue a single oversize-overweight permit. The fee for a
 40 ninety (90) day permit described in IC 9-20-6-2(c)(3) is two hundred
 41 dollars (\$200).
 42 **(c) This section expires on the earlier of the following dates:**
 43 **(1) The date rules are adopted as required under section 13 of**
 44 **this chapter.**
 45 **(2) December 31, 2013.**
 46 SECTION 9. IC 9-29-6-10, AS AMENDED BY P.L.125-2012,
 47 SECTION 321, IS AMENDED TO READ AS FOLLOWS
 48 [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) Except as provided in**
 49 **subsection (b)**, whenever a permit is issued by the Indiana department
 50 of transportation under IC 9-20-6, the Indiana department of
 51 transportation shall fix the fee to be paid. Upon payment of the fee, the

1 Indiana department of transportation shall validate the permit. The
2 revenue from the fee shall be credited to the state highway fund.

3 **(b) The fee for a permit issued under IC 9-20-6-2.5 for an**
4 **overweight divisible load is five cents (\$0.05) per equivalent single**
5 **axle load mile. The annual fee charged for a permit issued under**
6 **IC 9-20-6-2.5 may not exceed four hundred seventy dollars (\$470).**
7 **Upon payment of the fee, the Indiana department of transportation**
8 **shall validate the permit. The revenue from the fee shall be**
9 **credited to the state highway fund.**

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

12 **(1) The date rules are adopted under section 13 of this**
13 **chapter.**

14 **(2) December 31, 2013.**

15 SECTION 10. IC 9-29-6-13 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: **Sec. 13. (a) The Indiana department of**
18 **transportation shall adopt emergency rules in the manner provided**
19 **under IC 4-22-2-37.1 for the:**

20 **(1) issuance, fee structure, and enforcement of permits for**
21 **overweight divisible loads;**

22 **(2) fee structure of permits for loads on extra heavy duty**
23 **highways; and**

24 **(3) fee structure of permits for overweight loads.**

25 **A rule adopted under this subsection expires only with the**
26 **adoption of a new superseding rule.**

27 **(b) This subsection expires December 31, 2015. Not later than**
28 **December 31, 2014, the Indiana department of transportation shall**
29 **study the impact of overweight divisible loads on the following:**

30 **(1) Road and bridge degradation.**

31 **(2) Alternate modes of transportation.**

32 **(3) Indiana's economy and job growth.**

33 **(4) Indiana's business and economic competitiveness relative**
34 **to other midwestern states.**

35 **The department shall consider the results of the study in adopting**
36 **rules under subsection (a) to establish fee structures. Upon**
37 **concluding the study, the department shall report the results of the**
38 **study to the general assembly in an electronic format under**
39 **IC 5-14-6.**

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

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

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

- 1 (3) IC 6-6-2.5.
- 2 (4) IC 6-6-4.1-12.
- 3 (5) IC 8-2.1.
- 4 (6) IC 9-18.
- 5 (7) IC 9-19.
- 6 (8) IC 9-20.
- 7 (9) IC 9-21-7-2 through IC 9-21-7-11.
- 8 (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic
- 9 control device for a weigh station.
- 10 (11) IC 9-21-8-45 through IC 9-21-8-48.
- 11 (12) IC 9-21-9.
- 12 (13) IC 9-21-15.
- 13 (14) IC 9-21-21.
- 14 (15) IC 9-24-1-1 through IC 9-24-1-1.5.
- 15 (16) IC 9-24-1-7.
- 16 (17) Except as provided in subsection (c), IC 9-24-1-6,
- 17 IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial
- 18 driver's license.
- 19 (18) IC 9-24-4.
- 20 (19) IC 9-24-5.
- 21 (20) IC 9-24-11-4.
- 22 (21) IC 9-24-13-3.
- 23 (22) IC 9-24-18-1 through IC 9-24-18-2.
- 24 (23) IC 9-25-4-3.
- 25 (24) IC 9-28-4.
- 26 (25) IC 9-28-5.
- 27 (26) IC 9-28-6.
- 28 (27) IC 9-29-5-11 through IC 9-29-5-13.
- 29 (28) IC 9-29-5-42.
- 30 (29) IC 9-29-6-1.
- 31 (30) IC 10-14-8.
- 32 (31) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
- 33 (32) IC 13-30-2-1.

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

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

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

41 **SECTION 12. An emergency is declared for this act.**
 (Reference is to EHB 1481 as printed April 3, 2013.)

Conference Committee Report
on
Engrossed House Bill 1481

Signed by:

Representative Slager
Chairperson

Senator Charbonneau

Representative Smith V

Senator Arnold J

House Conferees

Senate Conferees