

IC 8-2.1-17

Chapter 17. Definitions

IC 8-2.1-17-0.1

Application of certain amendments to chapter

Sec. 0.1. (a) The following amendments to this chapter apply as follows:

(1) The amendments made to section 2 of this chapter by P.L.42-2007 apply to registrations and fees due after December 31, 2006.

(2) The addition of sections 7.5 and 9.1 of this chapter by P.L.42-2007 applies to registrations and fees due after December 31, 2006.

(b) If the effective date for the repeal of the single state registration system established under 49 U.S.C. 11506 is delayed by the Congress of the United States, the provisions listed in subsection (a)(1) and (a)(2), as they existed on December 31, 2006, shall be applied in Indiana until the earlier of the following:

(1) The date a state is required to conform to the unified carrier registration system established under 49 U.S.C. 13908 as required by an act of the Congress of the United States or by a regulation of the United States Department of Transportation.

(2) January 1, 2008.

As added by P.L.220-2011, SEC.189.

IC 8-2.1-17-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-2

"Broker"

Sec. 2. "Broker" means:

(1) a person who:

(A) is not a common carrier or contract carrier;

(B) is not a bona fide employee or agent of a common or contract carrier; and

(C) as principal or agent, sells or offers to sell transportation service subject to regulation under this article; or

(2) a person who negotiates for, or professes to be, by solicitation, advertisement, or otherwise, a person who sells, provides, furnishes, contracts, or arranges for transportation service subject to regulation under this article.

As added by P.L.99-1989, SEC.8. Amended by P.L.110-1995, SEC.1; P.L.42-2007, SEC.1.

IC 8-2.1-17-3

"Certificate"

Sec. 3. "Certificate" means:

(1) the certificate issued by the department to an intrastate motor carrier; or

(2) the acknowledgment issued by the department to an interstate common carrier or a contract carrier.

As added by P.L.99-1989, SEC.8. Amended by P.L.110-1995, SEC.2.

IC 8-2.1-17-4

"Common carrier"

Sec. 4. "Common carrier" means a person that is regulated as a common carrier under this article.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-5

"Contract carrier"

Sec. 5. "Contract carrier" means a person that is regulated as a contract carrier under this article.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-6

"Department"

Sec. 6. "Department" refers to the department of state revenue.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-7

"Emergency temporary authority"

Sec. 7. "Emergency temporary authority" means limited term motor carrier operating authority issued for periods of thirty (30) days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for temporary authority.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-7.5

"Freight forwarder"

Sec. 7.5. "Freight forwarder" means any person that:

(1) holds itself out to the general public (other than as a pipeline, rail, motor, air, or water carrier) as a provider of transportation of property for compensation; and

(2) in the ordinary course of its business:

(A) assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for breakbulk and distribution operations of the shipments;

(B) assumes responsibility for the transportation from the place of receipt to the place of destination; and

(C) uses a carrier subject to this article for any part of the transportation from the place of receipt to the place of destination.

As added by P.L.42-2007, SEC.2.

IC 8-2.1-17-8**"Household mover"**

Sec. 8. "Household mover" means any person who undertakes, whether directly or by a lease or other arrangement, to transport household goods by motor vehicle for compensation on any public highway between two (2) or more points in Indiana, whether over regular or irregular routes, in excess of one thousand (1,000) pounds per shipment for a single shipper regardless of the number of trips or movements made for the same shipper.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-9**"Household goods"**

Sec. 9. (a) "Household goods" means:

- (1) personal effects and property used or to be used in a dwelling when the effects and property are parts of the equipment or supply of that dwelling;
- (2) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when these items are parts of the stock, equipment, or supply of those stores, offices, museums, institutions, hospitals, or other establishments; and
- (3) articles including objects of art, displays, and exhibits that because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

(b) Subsection (a)(1) does not include property moving from a factory or store, except property that the householder has purchased with intent to use in the dwelling and that is transported at the request of, and the transportation charges paid to the carrier by, the householder. Subsection (a)(2) does not include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as an incident to the removal of the establishment, or a portion thereof, from one (1) location to another. Subsection (a)(3) does not include any article, whether crated or uncrated, that does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-9.1**"Leasing company"**

Sec. 9.1. "Leasing company" means a lessor that is engaged in the business of leasing or renting for compensation motor vehicles without drivers to a motor carrier, motor private carrier, or freight forwarder.

As added by P.L.42-2007, SEC.3.

IC 8-2.1-17-9.3**"Limousine"**

Sec. 9.3. "Limousine" means a motor vehicle that:

- (1) is a passenger vehicle; and
- (2) is designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver.

As added by P.L.70-1990, SEC.1.

IC 8-2.1-17-10

"Motor carrier"

Sec. 10. "Motor carrier" means a common carrier, contract carrier, or carrier certified in accordance with rules adopted by the department under IC 4-22-2.

As added by P.L.99-1989, SEC.8. Amended by P.L.110-1995, SEC.3.

IC 8-2.1-17-11

"Motor vehicle"

Sec. 11. "Motor vehicle" means a truck, a tractor, a trailer, a semitrailer, a motor bus or another self-propelled or motor driven vehicle that is operated upon a public highway for the purpose of transporting persons or property for hire.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-12

"Permit"

Sec. 12. "Permit" means:

- (1) the permit issued by the department to an intrastate contract carrier; and
- (2) the acknowledgment issued by the department to an interstate contract carrier as evidence of the registration of the contract carrier's interstate contract authority.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-13

"Person"

Sec. 13. "Person" means an individual, corporation, firm, or partnership.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-14

"Public highway"

Sec. 14. "Public highway" means a street, alley, road, highway, or thoroughfare in Indiana used by the traveling public.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-15

Repealed

(Repealed by P.L.110-1995, SEC.35.)

IC 8-2.1-17-16

"Taxicab"

Sec. 16. "Taxicab" means a motor vehicle that:

- (1) is designed and constructed to accommodate and transport not more than six (6) passengers in addition to the driver;
- (2) does not operate over any definite and designated routes within the corporate boundaries of a city or town and the suburban territory of a city or town; and
- (3) transports passengers to the destination designated by the passengers at the time of their transportation.

As added by P.L.99-1989, SEC.8.

IC 8-2.1-17-17

"Temporary authority"

Sec. 17. "Temporary authority" means limited term motor carrier operating authority issued for periods up to one hundred eighty (180) days by the department to authorize transportation service for which there is an immediate and urgent need and that cannot be met by other motor carrier service. The term includes emergency temporary authority.

As added by P.L.99-1989, SEC.8.