

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6887**

**BILL NUMBER:** HB 1150

**NOTE PREPARED:** Mar 18, 2021

**BILL AMENDED:** Mar 16, 2021

**SUBJECT:** Overweight Divisible Loads.

**FIRST AUTHOR:** Rep. Prescott

**FIRST SPONSOR:** Sen. Garten

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:**    **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill has the following provisions:

- (1) Provides that a person who transports a vehicle or combination of vehicles with an overweight divisible load is subject to overweight divisible load permitting.
- (2) Removes certain requirements regarding transportation of commodities.
- (3) Provides that the Indiana Department of Transportation (INDOT) may not issue a permit for an overweight divisible load if the owner or operator of the vehicle has not provided the Department of State Revenue (DOR) with full payment for the permit prior to transporting the overweight divisible load.
- (4) Provides that the DOR shall determine the extent of civil penalties for overweight divisible loads under certain conditions.
- (5) Provides that the civil penalty for each permitting violation for transporting overweight divisible loads is not more than \$10,000 for each violation.
- (6) Provides criminal or civil defenses in certain circumstances.
- (7) Permits the DOR to determine at an administrative hearing whether a civil penalty should be assessed or reduced pursuant to a defense.
- (8) Provides that the DOR may not assess a penalty on a citation for an oversize load after more than one year has passed from the date the person receives the citation.
- (9) Provides that the costs for storage of an abandoned vehicle with a length of at least 30 feet may not exceed \$2,500.
- (10) Makes technical corrections and conforming changes.

**Effective Date:** July 1, 2021.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This bill could decrease revenue to the Motor Carrier Regulation Fund by limiting the DOR’s ability to levy penalties for Indiana State Police (ISP) vehicle examinations within a year after a previous citation is issued. The bill also increases the maximum civil penalties for each ISP examination pertaining to violations of legal weight and dimensional limits, which could impact civil penalty revenue. The bill’s net impact on Motor Carrier Regulation Fund is indeterminable.

*Additional Information* - Revenue received from overweight load penalties is deposited into the Motor Carrier Regulation Fund. Penalties range from \$500 to \$1,000 per violation. The DOR reports the following violations for CY 2018 to CY 2020.

<b>Calendar Year</b>	<b>Oversize/Overweight Violations</b>
2018	4,946
2019	5,676
2020	2,774*
*Decrease related to COVID-19 pandemic	

The DOR also reports that not all violations result in civil penalties. Data on (1) multiple citations issued to individuals in a single year or (2) which offenses resulted in the issuance of a civil penalty, is not available. First time offenders are issued a warning letter that informs the recipient that further violations could result in civil penalties.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** DOR.

**Local Agencies Affected:**

**Information Sources:** Chris Russell, DOR.

**Fiscal Analyst:** Bill Brumbach, 317-232-9559.