



March 17, 2021

**ENGROSSED  
HOUSE BILL No. 1150**

DIGEST OF HB 1150 (Updated March 16, 2021 11:30 am - DI 143)

**Citations Affected:** IC 9-20; IC 9-22.

**Synopsis:** Overweight divisible loads. Provides that a person who transports a vehicle or combination of vehicles with an overweight divisible load is subject to overweight divisible load permitting. Removes certain requirements regarding transportation of commodities. Provides that the department of transportation 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 with full payment for the permit prior to transporting the overweight divisible load. Provides that the department of state revenue shall determine the extent of civil penalties for overweight divisible loads under certain conditions. Provides that the civil penalty for each permitting violation for transporting overweight divisible loads is not  
(Continued next page)

**Effective:** July 1, 2021.

**Prescott, Bartels, Pressel, Young J**

(SENATE SPONSORS — GARTEN, RAATZ)

January 7, 2021, read first time and referred to Committee on Roads and Transportation.  
January 28, 2021, amended, reported — Do Pass.  
February 1, 2021, read second time, amended, ordered engrossed.  
February 2, 2021, engrossed. Read third time, passed. Yeas 91, nays 2.

SENATE ACTION

February 18, 2021, read first time and referred to Committee on Homeland Security and Transportation.  
March 16, 2021, amended, reported favorably — Do Pass.

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## Digest Continued

more than \$10,000 for each violation. Provides criminal or civil defenses in certain circumstances. Permits the department to determine at an administrative hearing whether a civil penalty should be assessed or reduced pursuant to a defense. Provides that the department of state revenue 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. Provides that the costs for storage of an abandoned vehicle with a length of at least 30 feet may not exceed \$2,500. Makes technical corrections. Makes conforming changes.

**EH 1150—LS 6887/DI 139**



March 17, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1150

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:*

1 SECTION 1. IC 9-20-4-2, AS AMENDED BY P.L.13-2015,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 2. (a) Section 1 of this chapter relating to vehicle  
4 weight, section 3 of this chapter assessing a penalty for transporting a  
5 load in excess of the registered limit of the load for the transporting  
6 vehicle, and section 3 of this chapter prohibiting a person from moving  
7 a transported vehicle with an excess load until a penalty is paid do not  
8 apply to a vehicle or combination of vehicles that transports:  
9 (1) farm commodities from the place of production to the first  
10 point of delivery where the commodities are weighed ~~and title to~~  
11 ~~the commodities is transferred~~ if the weight of the vehicle with  
12 load or combination of vehicles with load does not exceed the  
13 gross weight limit by more than ten percent (10%); or  
14 (2) logs, wood chips, bark, and sawdust if the weight of the  
15 vehicle with load does not exceed either:  
16 (A) the gross weight limit; or  
17 (B) the axle weight limit;

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1 by more than ten percent (10%).

2 **(b) A person who transports vehicles or loads and exceeds an**  
 3 **exemption in subsection (a) is subject to permit requirements**  
 4 **under this article.**

5 ~~(b)~~ (c) The exemptions in subsection (a) do not apply to the  
 6 following:

7 (1) Weight limits imposed for bridges or sections of highways  
 8 under IC 9-20-1-3.

9 (2) A vehicle operated on any part of an interstate highway.

10 SECTION 2. IC 9-20-5-8, AS AMENDED BY P.L.257-2017,  
 11 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2021]: Sec. 8. The Indiana department of transportation may  
 13 not issue a permit under this chapter for the operation of a vehicle if  
 14 any of the following conditions apply:

15 (1) The owner or operator of the vehicle has not complied with  
 16 IC 8-2.1-24.

17 (2) The owner or operator of the vehicle has not provided the  
 18 Indiana department of transportation with the owner's or  
 19 operator's Social Security number or federal identification  
 20 number.

21 (3) The owner or operator of the vehicle has not registered the  
 22 vehicle with the bureau, if the vehicle is required to be registered  
 23 under IC 9-18 (before its expiration) or IC 9-18.1.

24 **(4) The owner or operator of the vehicle has not provided the**  
 25 **department of state revenue full payment for a permit prior**  
 26 **to transporting vehicles or loads subject to this article.**

27 SECTION 3. IC 9-20-18-7, AS AMENDED BY P.L.54-2009,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 7. (a) A court shall determine the extent of  
 30 liability of the driver, carrier, shipper, or other party shown to be liable.

31 **(b) The department of state revenue shall determine the extent**  
 32 **of the civil penalties assessed under section 14.5 of this chapter.**

33 ~~(b)~~ (c) It is a **criminal or civil** defense if a party can show that the  
 34 party:

35 (1) could not reasonably have known the actual weight of the load  
 36 involved;

37 (2) had no access to or control of the loading of an overweighted  
 38 load;

39 (3) reasonably relied upon the representation of another party  
 40 regarding the validity, scope, or allowable weight of a permit  
 41 issued to the other party under this article; or

42 (4) received written confirmation from a carrier that the carrier:



- 1 (A) had a valid permit for the load; or  
 2 (B) was not required to have a permit for the load.
- 3 ~~(e)~~ (d) If a person who is an owner, a driver, a carrier or a shipper  
 4 specifically or directly orders or assigns a particular shipment to be  
 5 loaded:  
 6 (1) the person shall be considered to have had control of the  
 7 loading within the meaning of this section; and  
 8 (2) a showing of knowledge of the overweighted load affixes  
 9 liability to the person.
- 10 ~~(d)~~ (e) The person who has loaded a shipment has control of the  
 11 loading within the meaning of this section and a showing of knowledge  
 12 of the overweighted load affixes liability to the person if the person is  
 13 self-employed. If the person loading a shipment is not self-employed,  
 14 then liability affixes to the person's employer jointly and severally with  
 15 the driver of an overweight vehicle.
- 16 ~~(e)~~ (f) If a court determines that the owner of a vehicle or  
 17 combination of vehicles involved in a case is jointly or severally liable,  
 18 the owner shall be given ninety (90) days to pay the liability assessed  
 19 by the court. During the ninety (90) days the court may continue the  
 20 impounding of the equipment until all fines and costs are paid. If the  
 21 fines and costs are not paid within the ninety (90) days after the court  
 22 determination, the court may order the property sold to pay the fines  
 23 and costs.
- 24 ~~(f)~~ (g) The court shall determine the liabilities, rights, and remedies  
 25 of all of the parties involved.
- 26 SECTION 4. IC 9-20-18-14.5, AS AMENDED BY P.L.218-2017,  
 27 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2021]: Sec. 14.5. (a) The civil penalties imposed under this  
 29 section are in addition to the other civil penalties that may be imposed  
 30 under IC 8 and IC 9. Notwithstanding section 12 of this chapter, a civil  
 31 penalty imposed under this section:  
 32 (1) is imposed on the ~~person whose United States Department of~~  
 33 ~~Transportation number is registered on the vehicle carrier~~  
 34 ~~transporting the vehicle or load;~~  
 35 (2) shall be deposited in the motor carrier regulation fund  
 36 established by IC 8-2.1-23-1;  
 37 (3) is in addition to any ~~fees or~~ fines imposed by a court; and  
 38 (4) is assessed ~~and determined~~ by the department of state  
 39 revenue in accordance with the procedures in IC 6-8.1-5-1.
- 40 (b) ~~A person who obtains carrier transporting vehicles or loads~~  
 41 ~~under a permit issued under this article and violates that is violated~~  
 42 ~~with respect to this article is subject subjects the carrier to a civil~~



1 penalty of not more than five hundred dollars (\$500) for the first  
 2 violation and not more than one thousand dollars (\$1,000) for each  
 3 subsequent violation.

4 (c) A ~~person who~~ **carrier that** transports vehicles or loads subject  
 5 to this article and fails to obtain a permit required under this article is  
 6 subject to a civil penalty of not more than five thousand dollars  
 7 (\$5,000) for each violation **described in an Indiana state police**  
 8 **vehicle examination report.**

9 (d) **A carrier that transports vehicles or loads subject to this**  
 10 **article in excess of the legal weight or dimensional limits and for**  
 11 **which no permit is available to allow for such excess weight or**  
 12 **dimension is subject to a civil penalty of not more than ten**  
 13 **thousand dollars (\$10,000) for each issued Indiana state police**  
 14 **vehicle examination report.**

15 (e) **The department of state revenue may not assess a penalty**  
 16 **under this section after more than one (1) year has passed from the**  
 17 **date the department is notified of a violation described under**  
 18 **subsection (b), (c), or (d).**

19 ~~(d)~~ (f) A ~~person~~ **carrier** against whom a civil penalty is imposed  
 20 under this section may protest the **civil** penalty and request an  
 21 administrative hearing. If a ~~hearing is requested,~~ **carrier protests a**  
 22 **civil penalty**, the department **of state revenue** shall ~~hold an~~  
 23 ~~administrative hearing at which the person has~~ **allow the carrier** an  
 24 opportunity to present information as to why the civil penalty should  
 25 not be assessed **or reduced pursuant to a defense provided under**  
 26 **section 7 of this chapter.**

27 ~~(e)~~ (g) The department of state revenue's notice of proposed  
 28 assessment under IC 6-8.1-5-1 is presumptively valid.

29 SECTION 5. IC 9-22-1-4, AS AMENDED BY P.L.157-2017,  
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection ~~(e)~~; **(d)**,  
 32 the owner of an abandoned vehicle or parts is:

- 33 (1) responsible for the abandonment; and  
 34 (2) liable for all of the costs incidental to the removal, storage,  
 35 and disposal;

36 of the vehicle or the parts under this chapter.

37 (b) **Except as provided in subsection (c)**, the costs for storage of  
 38 an abandoned vehicle may not exceed two thousand dollars (\$2,000).

39 (c) **The costs for storage of an abandoned vehicle with a length**  
 40 **of at least thirty (30) feet may not exceed two thousand five**  
 41 **hundred dollars (\$2,500).**

42 ~~(e)~~ (d) If an abandoned vehicle is sold by a person who removed,



1 towed, or stored the vehicle, the person who previously owned the  
2 vehicle is not responsible for storage fees.

3 ~~(d)~~ (e) If an abandoned vehicle is sold by a person who removed,  
4 towed, or stored the vehicle, and proceeds from the sale of the vehicle  
5 covered the removal, towing, sale disposal, and storage expenses, any  
6 remaining proceeds from the sale of the vehicle shall be returned as  
7 described in this chapter or IC 9-22-6, whichever is applicable.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1150, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-20-4-2, AS AMENDED BY P.L.13-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Section 1 of this chapter relating to vehicle weight, section 3 of this chapter assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and section 3 of this chapter prohibiting a person from moving a transported vehicle with an excess load until a penalty is paid do not apply to a vehicle or combination of vehicles that transports:

- (1) farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%); or
- (2) logs, wood chips, bark, and sawdust if the weight of the vehicle with load does not exceed either:
  - (A) the gross weight limit; or
  - (B) the axle weight limit;
 by more than ten percent (10%).

**(b) Except for a vehicle or combination of vehicles exempted under subsection (a), a person who transports a vehicle or combination of vehicles with an overweight divisible load is subject to permitting requirements under this article.**

~~(b)~~ (c) The exemptions in subsection (a) do not apply to the following:

- (1) Weight limits imposed for bridges or sections of highways under IC 9-20-1-3.
- (2) A vehicle operated on any part of an interstate highway.

SECTION 2. IC 9-20-5-8, AS AMENDED BY P.L.257-2017, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The Indiana department of transportation may not issue a permit under this chapter for the operation of a vehicle if any of the following conditions apply:

- (1) The owner or operator of the vehicle has not complied with IC 8-2.1-24.

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(2) The owner or operator of the vehicle has not provided the Indiana department of transportation with the owner's or operator's Social Security number or federal identification number.

(3) The owner or operator of the vehicle has not registered the vehicle with the bureau, if the vehicle is required to be registered under IC 9-18 (before its expiration) or IC 9-18.1.

**(4) The owner or operator of the vehicle has not provided the department of state revenue with full payment for a permit prior to transporting an overweight divisible load under this article."**

Page 1, line 7, strike "person whose United States Department of".

Page 1, line 8, strike "Transportation number is registered on the vehicle" and insert "**carrier**".

Page 1, line 9, after "the" insert "**vehicle or**".

Page 1, line 12, after "any" insert "**fees or**".

Page 1, line 13, after "assessed" insert "**and determined**".

Page 1, line 15, strike "person who obtains" and insert "**carrier transporting vehicles or loads under**".

Page 1, line 15, after "permit" insert "**issued**".

Page 1, line 15, strike "and" and insert "**who**".

Page 2, line 2, strike "person who" and insert "**carrier that**".

Page 2, between lines 5 and 6, begin a new paragraph and insert:

**"(d) A carrier who transports an overweight divisible load that exceeds limits on weight or dimensions and fails to obtain a permit required to transport the overweight divisible load is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation."**

Page 2, line 6, delete "(d)" and insert "(e)".

Page 2, line 8, delete "a person receives a citation for an overweight load." and insert "**the department is notified of a violation described under subsection (b), (c), or (d).**".

Page 2, line 9, delete "(e)" and insert "(f)".

Page 2, line 9, strike "person" and insert "**carrier**".

Page 2, line 10, after "protest the" insert "**civil**".

Page 2, line 11, strike "hearing is requested," and insert "**carrier protests a civil penalty,**".

Page 2, line 11, strike "hold an".

Page 2, line 12, strike "administrative hearing at which the person has" and insert "**allow the carrier**".

Page 2, line 13, after "assessed." insert "**A person may assert a defense described under section 7 of this chapter.**".



Page 2, line 14, delete "(f)" and insert "(g)".

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 4. IC 9-22-1-4, AS AMENDED BY P.L.157-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection ~~(c)~~; **(d)**, the owner of an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

**(b) Except as provided in subsection (c)**, the costs for storage of an abandoned vehicle may not exceed two thousand dollars (\$2,000).

**(c) The costs for storage of an abandoned vehicle with a length of at least thirty (30) feet may not exceed five thousand dollars (\$5,000).**

~~(c)~~ **(d)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

~~(d)~~ **(e)** If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described in this chapter or IC 9-22-6, whichever is applicable."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1150 as introduced.)

PRESSEL

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1150 be amended to read as follows:

Page 3, line 40, delete "five thousand dollars" and insert "**two**



**thousand five hundred dollars".**

Page 3, line 41, delete "\$5,000)." and insert "**(\$2,500).**".

(Reference is to HB 1150 as printed January 28, 2021.)

PRESCOTT

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1150, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, strike "and title to".

Page 1, line 11, strike "the commodities is transferred".

Page 2, delete lines 2 through 5, begin a new paragraph and insert:

**"(b) A person who transports vehicles or loads and exceeds an exemption in subsection (a) is subject to permit requirements under this article."**

Page 2, delete lines 26 through 28 and insert "**department of state revenue full payment for a permit prior to transporting vehicles or loads subject to this article.**".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 9-20-18-7, AS AMENDED BY P.L.54-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A court shall determine the extent of liability of the driver, carrier, shipper, or other party shown to be liable.

**(b) The department of state revenue shall determine the extent of the civil penalties assessed under section 14.5 of this chapter.**

~~(b)~~ (c) It is a **criminal or civil** defense if a party can show that the party:

- (1) could not reasonably have known the actual weight of the load involved;
- (2) had no access to or control of the loading of an overweighted load;
- (3) reasonably relied upon the representation of another party regarding the validity, scope, or allowable weight of a permit issued to the other party under this article; or
- (4) received written confirmation from a carrier that the carrier:
  - (A) had a valid permit for the load; or



(B) was not required to have a permit for the load.

(e) (d) If a person who is an owner, a driver, a carrier or a shipper specifically or directly orders or assigns a particular shipment to be loaded:

- (1) the person shall be considered to have had control of the loading within the meaning of this section; and
- (2) a showing of knowledge of the overweighted load affixes liability to the person.

(d) (e) The person who has loaded a shipment has control of the loading within the meaning of this section and a showing of knowledge of the overweighted load affixes liability to the person if the person is self-employed. If the person loading a shipment is not self-employed, then liability affixes to the person's employer jointly and severally with the driver of an overweight vehicle.

(e) (f) If a court determines that the owner of a vehicle or combination of vehicles involved in a case is jointly or severally liable, the owner shall be given ninety (90) days to pay the liability assessed by the court. During the ninety (90) days the court may continue the impounding of the equipment until all fines and costs are paid. If the fines and costs are not paid within the ninety (90) days after the court determination, the court may order the property sold to pay the fines and costs.

(f) (g) The court shall determine the liabilities, rights, and remedies of all of the parties involved."

Page 3, line 2, delete "who".

Page 3, line 2, strike "violates" and insert "**that is violated with respect to**".

Page 3, line 3, strike "is subject" and insert "**subjects the carrier**".

Page 3, line 9, delete "violation." and insert "**violation described in an Indiana state police vehicle examination report.**".

Page 3, delete lines 10 through 14, begin a new paragraph and insert:

**"(d) A carrier that transports vehicles or loads subject to this article in excess of the legal weight or dimensional limits and for which no permit is available to allow for such excess weight or dimension is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each issued Indiana state police vehicle examination report."**

Page 3, line 25, delete "assessed." and insert "**assessed or reduced pursuant to a defense provided under section 7 of this chapter.**".

Page 3, line 25, delete "A person may assert a defense described under".



Page 3, delete line 26.  
Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1150 as reprinted February 2, 2021.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.

