



Reprinted
April 12, 2023

ENGROSSED HOUSE BILL No. 1204

DIGEST OF HB 1204 (Updated April 11, 2023 3:42 pm - DI 92)

Citations Affected: IC 9-13; IC 9-20; noncode.

Synopsis: Enforcement of weight limits for overweight loads. Defines "aggregate". Provides that a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle does not apply to a vehicle or combination of vehicles that transports aggregate if the weight of the vehicle with load does not exceed the gross weight limit and the axle weight limit by more than 10%. Provides for when the department of state revenue (department) may assess a civil penalty for a vehicle or load that is in excess of the legal weight or dimensional limits. Provides for the penalties the department may charge for a violation. Urges the legislative council to assign to the appropriate interim study committee the task of studying civil penalty assessments and the enforcement of overweight loads as it pertains to the impact on state infrastructure.

Effective: Upon passage; July 1, 2023.

Karickhoff, Pressel, Manning, Frye R

(SENATE SPONSORS — MESSMER, CRIDER, GARTEN, BUCK, BYRNE)

January 10, 2023, read first time and referred to Committee on Roads and Transportation.
February 7, 2023, amended, reported — Do Pass.
February 9, 2023, read second time, ordered engrossed.
February 10, 2023, engrossed.
February 13, 2023, read third time, passed. Yeas 97, nays 1.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Homeland Security and Transportation.
April 4, 2023, amended, reported favorably — Do Pass.
April 6, 2023, read second time, amended, ordered engrossed.
April 10, 2023, engrossed. Returned to second reading.
April 11, 2023, re-read second time, amended, ordered engrossed.

EH 1204—LS 6648/DI 139



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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1204

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 9-13-2-1.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 1.8. "Aggregate" includes:**
4 **(1) sand;**
5 **(2) gravel;**
6 **(3) dirt;**
7 **(4) concrete;**
8 **(5) shell;**
9 **(6) slag;**
10 **(7) millings;**
11 **(8) crushed stone;**
12 **(9) other construction materials; and**
13 **(10) any combination of materials described in this section;**
14 **regardless of whether the material is in a natural or processed**
15 **state.**
16 SECTION 2. IC 9-20-4-0.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2023]: **Sec. 0.5. As used in this chapter, "aggregate" has the meaning set forth in IC 9-13-2-1.8.**

SECTION 3. IC 9-20-4-2, AS AMENDED BY P.L.127-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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 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%); or

(3) aggregate, if the weight of the vehicle with load does not exceed:

(A) the gross weight limit; and

(B) the axle weight limit by more than ten percent (10%).

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

(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 4. IC 9-20-18-14.5, AS AMENDED BY P.L.179-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14.5. (a) The civil penalties imposed under this section are in addition to the other civil penalties that may be imposed under IC 8 and IC 9. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section:

(1) is imposed on the carrier transporting the vehicle or load;

(2) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1;

(3) is in addition to any fees or fines imposed by a court; and

(4) is assessed and determined by the department of state revenue



- 1 in accordance with the procedures in IC 6-8.1-5-1.
- 2 (b) A carrier transporting vehicles or loads under a permit issued
3 under this article that is violated with respect to this article subjects the
4 carrier to a civil penalty of not more than one thousand dollars (\$1,000)
5 for the first violation and not more than one thousand five hundred
6 dollars (\$1,500) for each subsequent violation.
- 7 (c) A carrier that transports vehicles or loads subject to this article
8 and fails to obtain a permit required under this article is subject to a
9 civil penalty of not more than five thousand dollars (\$5,000) for each
10 violation described in an Indiana state police vehicle examination
11 report.
- 12 (d) A carrier that transports vehicles or loads subject to this article
13 in excess of the legal weight or dimensional limits and for which no
14 permit is available to allow for such excess weight or dimension is
15 subject to a civil penalty of ~~not more than ten thousand dollars~~
16 ~~(\$10,000)~~ for each issued Indiana state police vehicle examination
17 report **as follows:**
- 18 **(1) The department of state revenue may assess a civil penalty**
19 **of five hundred dollars (\$500) for a violation when a vehicle**
20 **or load is in excess of the dimensional limits.**
- 21 **(2) The department of state revenue may assess a civil penalty**
22 **of:**
- 23 **(A) five hundred dollars (\$500) for a violation when the**
24 **total excess weight is at least one thousand (1,000) pounds**
25 **and less than five thousand (5,000) pounds;**
- 26 **(B) one thousand dollars (\$1,000) for a violation when the**
27 **total excess weight is at least five thousand (5,000) pounds**
28 **and less than ten thousand (10,000) pounds; or**
- 29 **(C) five thousand dollars (\$5,000) for a violation when the**
30 **total excess weight is at least ten thousand (10,000) pounds.**
- 31 (e) The department of state revenue may not assess a penalty under
32 this section after more than one (1) year has passed from the date the
33 department is notified of a violation described under subsection (b),
34 (c), or (d).
- 35 (f) A carrier against whom a civil penalty is imposed under this
36 section may protest the civil penalty and request an administrative
37 hearing. If a carrier protests a civil penalty, the department of state
38 revenue shall allow the carrier an opportunity to present information as
39 to why the civil penalty should not be assessed or reduced pursuant to
40 a defense provided under section 7 of this chapter.
- 41 (g) The department of state revenue's notice of proposed assessment
42 under IC 6-8.1-5-1 is presumptively valid.



1 **(h) The department shall adopt rules under IC 4-22-2 regarding**
2 **the assessment of civil penalties in accordance with this section.**

3 **SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The legislative**
4 **council is urged to assign to an appropriate interim study**
5 **committee the task of studying civil penalty assessments and the**
6 **enforcement of overweight loads as it pertains to the impact on**
7 **state infrastructure.**

8 **(b) This SECTION expires January 1, 2024.**

9 **SECTION 6. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1204, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1204 as introduced.)

PRESSEL

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1204, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.8. "Aggregate" means any combination of sand, gravel, and crushed stone in its natural or processed state.**

SECTION 2. IC 9-20-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 0.5. As used in this chapter, "aggregate" has the meaning set forth in IC 9-13-2-1.8.**

SECTION 3. IC 9-20-4-2, AS AMENDED BY P.L.127-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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:

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(1) farm commodities from the place of production to the first point of delivery where the commodities are weighed 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%); or

(3) aggregate, if the weight of the vehicle with load does not exceed:

(A) the gross weight limit; and

(B) the axle weight limit by more than ten percent (10%).

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

(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."

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the task of studying civil penalty assessments and the enforcement of overweight loads as it pertains to the impact on state infrastructure.

(b) This SECTION expires January 1, 2024.

SECTION 6. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1204 as printed February 7, 2023.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.



SENATE MOTION

Madam President: I move that Engrossed House Bill 1204 be amended to read as follows:

Page 1, line 4, after "gravel," insert "**dirt**,".

(Reference is to EHB 1204 as printed April 5, 2023.)

MESSMER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1204, which is eligible for third reading, be returned to second reading for purposes of amendment.

MESSMER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1204 be amended to read as follows:

Page 1, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 1.8. "Aggregate" includes:**

- (1) sand;
- (2) gravel;
- (3) dirt;
- (4) concrete;
- (5) shell;
- (6) slag;
- (7) millings;
- (8) crushed stone;
- (9) other construction materials; and
- (10) any combination of materials described in this section; regardless of whether the material is in a natural or processed state."

Re-number all SECTIONS consecutively.

(Reference is to EHB 1204 as reprinted April 7, 2023.)

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