

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 450, 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:

- 1 Page 2, between lines 6 and 7, begin a new paragraph and insert:
2 "SECTION 2. IC 6-6-4.1-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Except as
4 provided in subsection (b), this chapter applies to each:
5 (1) passenger vehicle that has seats for more than nine (9)
6 passengers in addition to the driver;
7 (2) road tractor;
8 (3) tractor truck;
9 (4) truck having more than two (2) axles;
10 (5) truck having a gross weight or a declared gross weight greater
11 than twenty-six thousand (26,000) pounds; and
12 (6) vehicle used in combination if the gross weight or the declared
13 gross weight of the combination is greater than twenty-six
14 thousand (26,000) pounds;
15 that is propelled by motor fuel.
16 (b) This chapter does not apply to:
17 (1) a vehicle operated by:
18 (A) this state;
19 (B) a political subdivision (as defined in IC 36-1-2-13);
20 (C) the United States; or

- 1 (D) an agency of states and the United States, or of two (2) or
 2 more states, in which this state participates;
 3 (2) a school bus (as defined by the laws of a state) operated by,
 4 for, or on behalf of a:
 5 (A) state;
 6 (B) political subdivision (as defined in IC 36-1-2-13) of a
 7 state; or
 8 (C) private or privately operated school;
 9 (3) a vehicle used in casual or charter bus operations;
 10 (4) trucks, trailers, or semitrailers and tractors that are qualified
 11 to be registered and used as farm trucks, farm trailers, or farm
 12 semitrailers and tractors and that are registered as such by the
 13 bureau of motor vehicles under IC 9-18 or under a similar law of
 14 another state, **unless the truck, trailer, or semitrailer and**
 15 **tractor is operated interstate for hire in the transportation of**
 16 **Indiana grain in violation of IC 9-18-2-6.5(a);**
 17 (5) an intercity bus (as defined in IC 9-13-2-83);
 18 (6) a vehicle described in subsection (a)(2) through (a)(6) when
 19 the vehicle is displaying a dealer registration plate; or
 20 (7) a recreational vehicle."
- 21 Page 2, line 15, after "other" insert "**a pull type**".
 22 Page 2, line 15, delete "**implements, pull type and**" and insert
 23 "**implement**".
 24 Page 2, line 16, strike "self-propelled,".
 25 Page 2, line 21, delete "products;" and insert "**products.**".
 26 Page 2, line 22, strike "and vehicles designed to transport".
 27 Page 2, line 22, delete "these types of agricultural".
 28 Page 2, strike line 23.
 29 Page 2, line 28, delete "tractor," and insert "tractor".
 30 Page 2, line 28, strike "an implement of".
 31 Page 2, line 29, delete "agriculture,".
 32 Page 2, between lines 38 and 39, begin a new paragraph and insert:
 33 "SECTION 6. IC 9-13-2-169 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 169. "Special farm
 35 machinery" means **self-propelled agricultural equipment used for**
 36 **the:**
 37 (1) **a paint spray outfit; transport;**
 38 (2) **livestock dipping equipment; and delivery; or**

1 (3) seed cleaning and treating equipment; **application of crop**
 2 **inputs, including seed, fertilizers, and crop protection**
 3 **products.**

4 when mounted and transported upon a trailer using a highway:".

5 Page 4, between lines 25 and 26, begin a new paragraph and insert:

6 "SECTION 10. IC 9-18-2-6.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2003]: **Sec. 6.5. (a) Except as provided in**
 9 **subsection (b), a person who:**

10 (1) owns a vehicle that is required to be registered under this
 11 article; and

12 (2) registers the vehicle as a farm truck, farm trailer, or farm
 13 semitrailer;

14 **may not operate the vehicle intrastate for hire either part-time or**
 15 **incidentally in the transportation of grain (as defined in**
 16 **IC 26-4-1-13) that was grown in Indiana.**

17 (b) A person who owns a vehicle described in subsection (a) may
 18 operate the vehicle intrastate for hire either part-time or
 19 incidentally in the transportation of grain (as defined in
 20 IC 26-4-1-13) if:

21 (1) the person is a producer (as defined in IC 26-4-1-18); or

22 (2) the grain was produced by:

23 (A) a member of the person's family; or

24 (B) the person's landlord.

25 (c) A person who violates subsection (a) commits a **Class B**
 26 **infraction.**

27 (d) A person who violates this section is subject to **section 41 of**
 28 **this chapter and to IC 9-29-5-13.5."**

29 Page 5, line 16, delete "or".

30 Page 5, line 17, reset in roman "or".

31 Page 5, line 18, after "(11)" insert "**(10)**".

32 Page 5, line 18, reset in roman "special".

33 Page 5, line 18, reset in roman "machinery;".

34 Page 5, between lines 21 and 22, begin a new paragraph and insert:

35 "SECTION 13. IC 9-18-2-40 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 40. (a) This section**
 37 **does not apply to section 6.5, 43, or 44 of this chapter.**

38 (b) A person who violates this chapter commits a Class C infraction.

1 (c) A person who owns or operates or permits the operation of a
2 vehicle required to be registered under this chapter with expired license
3 plates commits a Class C infraction.

4 SECTION 14. IC 9-18-2-41, AS AMENDED BY P.L.181-1999,
5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2003]: Sec. 41. (a) In addition to:

- 7 (1) the penalty described under section **6.5 or** 40 of this chapter;
- 8 and
- 9 (2) any judgment assessed under IC 34-28-5 (or IC 34-4-32 before
10 its repeal);

11 a person who violates section 1 **or 6.5** of this chapter shall be assessed
12 a judgment equal to the amount of excise tax due under IC 6-6-5 or
13 IC 6-6-5.5 on the vehicle involved in the violation.

14 (b) The clerk of the court shall do the following:

- 15 (1) Collect the additional judgment described under subsection (a)
16 in an amount specified by a court order.
- 17 (2) Transfer the additional judgment to the county auditor on a
18 calendar year basis.

19 (c) The auditor shall distribute the judgments described under
20 subsection (b) to law enforcement agencies, including the state police
21 department, responsible for issuing citations to enforce section 1 of this
22 chapter.

23 (d) The percentage of funds distributed to a law enforcement agency
24 under subsection (c):

- 25 (1) must equal the percentage of the total number of citations
26 issued by the law enforcement agency for the purpose of
27 enforcing section 1 of this chapter during the applicable year; and
- 28 (2) may be used for the following:
 - 29 (A) Any law enforcement purpose.
 - 30 (B) Contributions to the pension fund of the law enforcement
31 agency."

32 Page 6, line 24, delete "tractor" and insert "tractor,".

33 Page 6, line 25, strike "and a".

34 Page 6, line 25, strike "farm equipment unit" and insert "**special
35 machinery,**".

36 Page 6, line 39, strike "unit," and insert "**special machinery,**".

37 Page 7, line 9, strike "farm equipment" and insert "**special
38 machinery**".

- 1 Page 7, line 22, delete "tractor" and insert "tractor,".
 2 Page 7, line 22, strike "or".
 3 Page 7, line 22, after "self-propelled" insert "**special machinery,**
 4 **or**".
 5 Page 8, line 16, after "tractor," strike "a".
 6 Page 8, line 16, strike "farm equipment unit," and insert "**special**
 7 **machinery,**".
 8 Page 9, line 32, delete "tractors" and insert "tractors."
 9 Page 9, line 32, strike "and implements".
 10 Page 9, line 33, delete "of agriculture."
 11 Page 12, between lines 6 and 7, begin a new paragraph and insert:
 12 "SECTION 25. IC 9-29-5-3.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a) Effective January 1, 2004,**
 15 **the annual registration fee for a motor vehicle defined as special**
 16 **machinery shall be the annual registration fee plus any other**
 17 **service charge collected by the bureau for a truck or tractor with**
 18 **a declared gross weight greater than forty-eight thousand (48,000)**
 19 **pounds and less than fifty-four thousand (54,000) pounds, as set**
 20 **forth in section 3 of this chapter, plus one hundred dollars (\$100).".**
 21 Page 15, line 34, delete "IC 9-13-2-169;".
 22 Renumber all SECTIONS consecutively.
 (Reference is to SB 450 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

Nugent

Chairperson