

Adopted Rejected

# COMMITTEE REPORT

YES: 10  
NO: 0

**MR. SPEAKER:**

*Your Committee on Roads and Transportation, to which was referred Senate Bill 74, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-2.1-24-1, AS AMENDED BY P.L.42-2007,
- 4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 1. (a) This chapter applies to the certification
- 6 of a motor carrier providing intrastate transportation by motor vehicle
- 7 of property or passengers for compensation.
- 8 (b) Section 18 of this chapter applies to the regulation of the
- 9 following persons:
- 10 (1) A motor carrier described in subsection (a).
- 11 (2) Except as provided in section 18(j) of this chapter, a
- 12 private carrier of persons or property, or both.
- 13 SECTION 2. IC 8-2.1-24-3, AS AMENDED BY P.L.42-2007,
- 14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 3. Except as provided in section 18 of this  
2 chapter, this chapter does not apply to the following:

3 (1) Motor vehicles used exclusively for carrying United States  
4 mail.

5 (2) Motor vehicles while being used or operated under the  
6 control, direction, and supervision of:

7 (A) the United States government, the state, or a political  
8 subdivision; or

9 (B) the board of trustees of a state institution.

10 (3) Motor vehicles while transporting supplies, livestock feed  
11 ingredients, fertilizer, or fertilizing materials that are in transit to  
12 or from farms.

13 (4) Motor vehicles:

14 (A) controlled and operated by a farmer when used in the  
15 transportation of the farmer's agricultural commodities and  
16 products of those commodities or in the transportation of  
17 supplies to the farm;

18 (B) controlled and operated by a nonprofit agricultural  
19 cooperative association (or by a federation of agricultural  
20 cooperative associations if the federation does not possess  
21 greater powers or purposes than the cooperative associations);

22 (C) used in carrying property consisting of livestock or  
23 agricultural commodities (not including manufactured  
24 products) if the motor vehicles are not used in carrying:

25 (i) other property;

26 (ii) agricultural commodities; or

27 (iii) passengers;

28 for compensation; or

29 (D) used in carrying livestock feed or feed ingredients, if those  
30 products are transported to a site of agricultural productions or  
31 to a business enterprise engaged in the sale of agricultural  
32 goods to a person engaged in agricultural production.

33 This chapter shall not be construed to apply to motor vehicles  
34 owned, leased, controlled, or operated by a nonprofit cooperative  
35 association, either incorporated or unincorporated, that was in  
36 existence on July 6, 1961.

37 (5) Motor vehicles, commonly known as armored cars, used  
38 exclusively to transport, under written bilateral contract, coin,

1 currency, bullion, securities, precious metals, jewelry, precious  
 2 stones, money, legal tender, stocks and bonds, negotiable and  
 3 nonnegotiable instruments and securities, postage and revenue  
 4 stamps, and other valuable documents and rare objects.

5 **(6) Motor vehicles operating exclusively in intrastate**  
 6 **commerce that have a gross vehicle weight, gross vehicle**  
 7 **weight rating, gross combination weight, or gross**  
 8 **combination weight rating equal to or less than twenty-six**  
 9 **thousand (26,000) pounds. However, the motor vehicle may**  
 10 **not be:**

11 **(A) used to provide for-hire transport;**

12 **(B) designed or used to transport sixteen (16) or more**  
 13 **passengers, including the driver; or**

14 **(C) used to transport hazardous material in amounts**  
 15 **requiring a placard.**

16 SECTION 3. IC 8-2.1-24-18, AS AMENDED BY P.L.21-2007,  
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 18. (a) 49 CFR Parts 40, 375, 380, 382  
 19 through 387, 390 through 393, and 395 through 398 are incorporated  
 20 into Indiana law by reference, and, except as provided in subsections  
 21 (d), (e), (f), ~~and~~ (g), **and (j)**, must be complied with by an interstate and  
 22 intrastate motor carrier of persons or property throughout Indiana.  
 23 Intrastate motor carriers subject to compliance reviews under 49 CFR  
 24 385 shall be selected according to criteria determined by the  
 25 superintendent which must include but are not limited to factors such  
 26 as previous history of violations found in roadside compliance checks  
 27 and other recorded violations. However, the provisions of 49 CFR 395  
 28 that regulate the hours of service of drivers, including requirements for  
 29 the maintenance of logs, do not apply to a driver of a truck that is  
 30 registered by the bureau of motor vehicles and used as a farm truck  
 31 under IC 9-18, or a vehicle operated in intrastate construction or  
 32 construction related service, or the restoration of public utility services  
 33 interrupted by an emergency. Except as provided in subsection (i) **and**  
 34 **(j):**

35 **(1) intrastate motor carriers not operating under authority issued**  
 36 **by the United States Department of Transportation shall comply**  
 37 **with the requirements of 49 CFR 390.21(b)(3) by registering with**  
 38 **the department of state revenue as an intrastate motor carrier and**

1 displaying the certification number issued by the department of  
 2 state revenue preceded by the letters "IN"; ~~Except as provided in~~  
 3 ~~subsection (i); and~~

4 (2) all other requirements of 49 CFR 390.21 apply equally to  
 5 interstate and intrastate motor carriers.

6 (b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177  
 7 through 178, and 180, are incorporated into Indiana law by reference,  
 8 and every:

- 9 (1) private carrier;
- 10 (2) common carrier;
- 11 (3) contract carrier;
- 12 (4) motor carrier of property, intrastate;
- 13 (5) hazardous material shipper; and
- 14 (6) carrier otherwise exempt under section 3 of this chapter;

15 must comply with the federal regulations incorporated under this  
 16 subsection, whether engaged in interstate or intrastate commerce.

17 (c) Notwithstanding subsection (b), nonspecification bulk and  
 18 nonbulk packaging, including cargo tank motor vehicles, may be used  
 19 only if all the following conditions exist:

- 20 (1) The maximum capacity of the vehicle is less than three  
 21 thousand five hundred (3,500) gallons.
- 22 (2) The shipment of goods is limited to intrastate commerce.
- 23 (3) The vehicle is used only for the purpose of transporting fuel  
 24 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination  
 25 of these substances.

26 ~~All additional federal standards for the safe transportation of hazardous~~  
 27 ~~materials apply until July 1, 2000. After June 30, 2000, the~~  
 28 ~~Maintenance, inspection, and marking requirements of 49 CFR 173.8~~  
 29 ~~and Part 180 are applicable. In accordance with federal hazardous~~  
 30 ~~materials regulations, new or additional nonspecification cargo tank~~  
 31 ~~motor vehicles may not be placed in service under this subsection. after~~  
 32 ~~June 30, 1998.~~

33 (d) For the purpose of enforcing this section, only:

- 34 (1) a state police officer or state police motor carrier inspector  
 35 who:  
 36 (A) has successfully completed a course of instruction  
 37 approved by the United States Department of Transportation;  
 38 and

- 1 (B) maintains an acceptable competency level as established  
2 by the state police department; or  
3 (2) an employee of a law enforcement agency who:  
4 (A) before January 1, 1991, has successfully completed a  
5 course of instruction approved by the United States  
6 Department of Transportation; and  
7 (B) maintains an acceptable competency level as established  
8 by the state police department;  
9 on the enforcement of 49 CFR, may, upon demand, inspect the  
10 books, accounts, papers, records, memoranda, equipment, and  
11 premises of any carrier, including a carrier exempt under section  
12 3 of this chapter.
- 13 (e) A person hired before September 1, 1985, who operates a motor  
14 vehicle intrastate incidentally to the person's normal employment duties  
15 and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a))  
16 is exempt from 49 CFR 391 as incorporated by this section.
- 17 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a  
18 person at least eighteen (18) years of age and less than twenty-one (21)  
19 years of age may be employed as a driver to operate a commercial  
20 motor vehicle intrastate. However, a person employed under this  
21 subsection is not exempt from any other provision of 49 CFR 391.
- 22 (g) Notwithstanding subsection (a) or (b), the following provisions  
23 of 49 CFR do not apply to private carriers of property operated only in  
24 intrastate commerce or any carriers of property operated only in  
25 intrastate commerce while employed in construction or construction  
26 related service:
- 27 (1) Subpart 391.41(b)(3) as it applies to physical qualifications of  
28 a driver who has been diagnosed as an insulin dependent diabetic,  
29 if the driver has applied for and been granted an intrastate  
30 medical waiver by the bureau of motor vehicles pursuant to this  
31 subsection. The same standards and the following procedures  
32 shall apply for this waiver whether or not the driver is required to  
33 hold a commercial driver's license. An application for the waiver  
34 shall be submitted by the driver and completed and signed by a  
35 certified endocrinologist or the driver's treating physician  
36 attesting that the driver:  
37 (A) is not otherwise physically disqualified under Subpart  
38 391.41 to operate a motor vehicle, whether or not any

1 additional disqualifying condition results from the diabetic  
2 condition, and is not likely to suffer any diminution in driving  
3 ability due to the driver's diabetic condition;  
4 (B) is free of severe hypoglycemia or hypoglycemia  
5 unawareness and has had less than one (1) documented,  
6 symptomatic hypoglycemic reaction per month;  
7 (C) has demonstrated the ability and willingness to properly  
8 monitor and manage the driver's diabetic condition;  
9 (D) has agreed to and, to the endocrinologist's or treating  
10 physician's knowledge, has carried a source of rapidly  
11 absorbable glucose at all times while driving a motor vehicle,  
12 has self monitored blood glucose levels one (1) hour before  
13 driving and at least once every four (4) hours while driving or  
14 on duty before driving using a portable glucose monitoring  
15 device equipped with a computerized memory; and  
16 (E) has submitted the blood glucose logs from the monitoring  
17 device to the endocrinologist or treating physician at the time  
18 of the annual medical examination.

19 A copy of the blood glucose logs shall be filed along with the  
20 annual statement from the endocrinologist or treating physician  
21 with the bureau of motor vehicles for review by the driver  
22 licensing medical advisory board established under IC 9-14-4. A  
23 copy of the annual statement shall also be provided to the driver's  
24 employer for retention in the driver's qualification file, and a copy  
25 shall be retained and held by the driver while driving for  
26 presentation to an authorized federal, state, or local law  
27 enforcement official. Notwithstanding the requirements of this  
28 subdivision, the endocrinologist, the treating physician, the  
29 advisory board of the bureau of motor vehicles, or the bureau of  
30 motor vehicles may, where medical indications warrant, establish  
31 a short period for the medical examinations required under this  
32 subdivision.

33 (2) Subpart 396.9 as it applies to inspection of vehicles carrying  
34 or loaded with a perishable product. However, this exemption  
35 does not prohibit a law enforcement officer from stopping these  
36 vehicles for an obvious violation that poses an imminent threat of  
37 an accident or incident. The exemption is not intended to include  
38 refrigerated vehicles loaded with perishables when the

- 1 refrigeration unit is working.
- 2 (3) Subpart 396.11 as it applies to driver vehicle inspection
- 3 reports.
- 4 (4) Subpart 396.13 as it applies to driver inspection.
- 5 (h) For purposes of ~~49 CFR 395.1(t)~~, **49 CFR 395.1(k)(2)**, "planting
- 6 and harvesting season" refers to the period between January 1 and
- 7 December 31 of each year. The intrastate commerce exception set forth
- 8 in ~~49 CFR 395.1(t)~~, **49 CFR 395.1(k)**, as it applies to the transportation
- 9 of agricultural commodities and farm supplies, is restricted to single
- 10 vehicles and cargo tank motor vehicles with a capacity of not more than
- 11 five thousand four hundred (5,400) gallons.
- 12 (i) The requirements of 49 CFR 390.21 do not apply to an intrastate
- 13 **motor** carrier or a guest operator not engaged in interstate commerce
- 14 and operating a motor vehicle as a farm vehicle in connection with
- 15 agricultural pursuits usual and normal to the user's farming operation
- 16 or for personal purposes unless the vehicle is operated either part time
- 17 or incidentally in the conduct of a commercial enterprise.
- 18 (j) **This section does not apply to private carriers that operate**
- 19 **using only the type of motor vehicles specified in IC 8-2.1-24-3(6).**
- 20 (k) The superintendent of state police may adopt rules under
- 21 IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by
- 22 reference under this section."
- 23 Page 6, after line 30, begin a new paragraph and insert:
- 24 "SECTION 16. IC 8-2.1-24-2 IS REPEALED [EFFECTIVE UPON
- 25 PASSAGE].
- 26 SECTION 17. **An emergency is declared for this act.**"
- 27 Renumber all SECTIONS consecutively.
- (Reference is to SB 74 as printed January 13, 2010.)

**and when so amended that said bill do pass.**

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Representative Austin