

HOUSE BILL No. 1101

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-111.5; IC 9-20-6.

Synopsis: Permits for transporting nondivisible loads. Prohibits the Indiana department of transportation from denying a permit for transporting heavy vehicles and loads or nonconforming objects solely on the basis that the vehicle will be transporting a nondivisible load.

Effective: July 1, 2012.

McMillin

January 9, 2012, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1101



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 9-13-2-111.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: **Sec. 111.5. "Nondivisible load", as**
- 4 **used in IC 9-20-6, has the meaning set forth in IC 9-20-6-0.5.**
- 5 SECTION 2. IC 9-20-6-0.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2012]: **Sec. 0.5. (a) As used in this chapter, "nondivisible load"**
- 8 **means a load:**
- 9 (1) **on a vehicle; and**
- 10 (2) **that:**
- 11 (A) **cannot be reduced in size or weight;**
- 12 (B) **is impractical to divide; or**
- 13 (C) **cannot be adjusted so as to be within the size and**
- 14 **weight limitations specified in IC 9-20-3, IC 9-20-4,**
- 15 **IC 9-20-5-2, or IC 9-20-5-5, because to do so would:**
- 16 (i) **compromise the intended use of the vehicle, making**
- 17 **the vehicle unable to perform the function for which the**



1 use was intended;

2 (ii) destroy the value of the load or vehicle, making the
3 vehicle unusable for the intended purpose; or

4 (iii) require more than eight (8) work hours to dismantle
5 using appropriate equipment.

6 (b) Notwithstanding IC 9-20-4-1(a)(1), IC 9-20-5-2(3), or
7 IC 9-20-5-5(a)(1), the total gross weight of a vehicle or combination
8 of vehicles with a nondivisible load may not exceed one hundred
9 twenty thousand (120,000) pounds.

10 (c) For purposes of this section, three (3) or fewer steel coils
11 when transported by a vehicle are considered a nondivisible load.

12 SECTION 3. IC 9-20-6-2, AS AMENDED BY P.L.182-2009(ss),
13 SECTION 290, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The Indiana department of
15 transportation or local authority that:

16 (1) has jurisdiction over a highway or street; and

17 (2) is responsible for the repair and maintenance of the highway
18 or street;

19 may, upon proper application in writing and upon good cause shown,
20 grant a permit for transporting heavy vehicles and loads or other
21 objects not conforming to this article, including a vehicle transporting
22 an ocean going container, if the department or authority finds that other
23 traffic will not be seriously affected and the highway or bridge will not
24 be seriously damaged. **The Indiana department of transportation
25 may not deny a permit solely on the basis that the vehicle will be
26 transporting a nondivisible load.**

27 (b) The permit granted under subsection (a) must authorize the
28 operation of a tractor-semitrailer and load that:

29 (1) exceeds the maximum length limitation under this chapter;
30 and

31 (2) is subject to regulation under this chapter;

32 from one-half (1/2) hour before sunrise to one-half (1/2) hour after
33 sunset.

34 (c) A permit may be issued under this section for the following:

35 (1) A single trip.

36 (2) A definite time not exceeding thirty (30) days.

37 (3) A ninety (90) day period.

38 (4) A one (1) year period.

39 (d) This subsection applies to the transportation of ocean going
40 containers that:

41 (1) have been sealed at the place of origin and have not been
42 opened except by an agent of the federal government that may

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1 inspect the contents; and
2 (2) are being transported to or from a distribution facility.
3 The total gross weight, with load of a vehicle or combination of
4 vehicles transporting an ocean going container may not exceed
5 ninety-five thousand (95,000) pounds. A permit issued under this
6 ~~section~~ **subsection** must be issued on an annual basis. A permit issued
7 under this subsection may not impose a limit on the number of
8 movements generated by the applicant or operator of a vehicle granted
9 a permit under this subsection.
10 **(e) If the load for which the permit is sought is alleged to be a**
11 **nondivisible load, and the number of work hours required to**
12 **dismantle the load is an issue as to whether the load is a**
13 **nondivisible load, the applicant for the permit has the burden of**
14 **proof concerning that issue for purposes of showing good cause**
15 **under subsection (a).**

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