

HOUSE BILL No. 1096

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-14-2-1; IC 8-14-2-4; IC 9-13-2-123; IC 9-13-2-188.

Synopsis: Addition of certain vehicles to fuel tax distribution. Specifies that a van, sport utility vehicle, or other motor vehicle is a passenger motor vehicle and not a truck if it is designed primarily for carrying passengers. Replaces the term "passenger car" with "passenger motor vehicle" in the allocation formula for the local road and street account in order to include van and sport utility vehicle registrations in the formula.

Effective: July 1, 1999.

Oxley, Saunders

January 6, 1999, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1096

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 8-14-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:
3 (1) Primary highway system special account means the account of
4 the state known as the "primary highway system special account"
5 to which is credited monthly fifty-five percent (55%) of the
6 money deposited in the highway, road, and street fund.
7 (2) Local road and street account means the account of the state
8 known as the "local road and street account" to which is credited
9 monthly forty-five percent (45%) of the money deposited in the
10 highway, road, and street fund.
11 (3) The term "department" refers to the Indiana department of
12 transportation created under IC 8-23-2.
13 (4) The term "primary highways" shall mean that portion of the
14 federal-aid highway system designated by the department and
15 approved by the United States department of transportation as
16 being the state "primary highway system".
17 (5) The term "construction" shall mean both construction and



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1 reconstruction to a degree that new, supplementary, or
 2 substantially improved traffic service is provided, and significant
 3 geometric or structural improvements are effected.

4 (6) "Arterial road system" shall mean the system of roads
 5 including bridges in each county of Indiana, under the jurisdiction
 6 of the board of county commissioners, or successor body,
 7 including a department of transportation of a consolidated city,
 8 designated as such by the board under IC 8-23-4-3, but not
 9 including local county roads.

10 (7) "Local county roads" shall mean all county roads and bridges
 11 which are not designated as being in the arterial road system.

12 (8) "Arterial street system" means the system of streets, including
 13 bridges in each city or town in Indiana, under the jurisdiction of
 14 municipal street authorities or successor bodies, including a
 15 department of transportation of a consolidated city, designated as
 16 such by the board under IC 8-23-4-4, but not including local
 17 streets.

18 (9) "Local streets" shall mean all city and town streets and bridges
 19 which are not designated as being in the arterial street system in
 20 each city or town.

21 (10) "Resurfacing" means the placement of additional pavement
 22 layers (including protective systems for bridge decks) over the
 23 existing (or restored or rehabilitated) roadway or bridge deck
 24 surface to provide additional strength or to improve serviceability
 25 for a substantial time period.

26 (11) "Restoration and rehabilitation" means work required to
 27 return the existing structure (roadway pavement or bridge deck)
 28 to a suitable condition for an additional stage of construction
 29 (bridge deck protective system or resurfacing) or to a suitable
 30 condition to perform satisfactorily for a substantial time period.

31 **(12) The term "passenger motor vehicle" has the meaning set**
 32 **forth in IC 9-13-2-123(a).**

33 SECTION 2. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The auditor of state shall
 35 establish a special account to be called the "local road and street
 36 account" and credit this account monthly with forty-five percent (45%)
 37 of the money deposited in the highway road and street fund.

38 (b) The auditor shall distribute to units of local government money
 39 from this account each month.

40 (c) The auditor of state shall allocate to each county the money in
 41 this account on the basis of the ratio of each county's passenger ~~car~~
 42 **motor vehicle** registrations to the total passenger ~~car~~ **motor vehicle**



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1 registrations of the state. The auditor shall further determine the
 2 suballocation between the county and the cities within the county as
 3 follows:

4 (1) In counties having a population of more than fifty thousand
 5 (50,000), sixty percent (60%) of the money shall be distributed on
 6 the basis of the population of the city or town as a percentage of
 7 the total population of the county and forty percent (40%)
 8 distributed on the basis of the ratio of city and town street mileage
 9 to county road mileage.

10 (2) In counties having a population of fifty thousand (50,000) or
 11 less, twenty percent (20%) of the money shall be distributed on
 12 the basis of the population of the city or town as a percentage of
 13 the total population of the county and eighty percent (80%)
 14 distributed on the basis of the ratio of city and town street mileage
 15 to county road mileage.

16 (3) For the purposes of allocating funds as provided in this
 17 section, towns which become incorporated as a town between the
 18 effective dates of decennial censuses shall be eligible for
 19 allocations upon the effectiveness of a corrected population count
 20 for the town under IC 1-1-3.5.

21 (4) Money allocated under the provisions of this section to
 22 counties containing a consolidated city shall be credited or
 23 allocated to the department of transportation of the consolidated
 24 city.

25 (d) Each month the auditor of state shall inform the department of
 26 the amounts allocated to each unit of local government from the local
 27 road and street account.

28 SECTION 3. IC 9-13-2-123 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 123. (a) "Passenger
 30 motor vehicle" means, except as provided in subsection (b), a motor
 31 vehicle, **including a van or sport utility vehicle**, designed for carrying
 32 passengers. The term does not include a motorcycle, bus, or school bus.

33 (b) For purposes of IC 9-19-10, the term includes buses, school
 34 buses, and private buses and excludes trucks, tractors, and recreational
 35 vehicles.

36 SECTION 4. IC 9-13-2-188 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 188. (a) "Truck" means
 38 a motor vehicle designed, used, or maintained primarily for the
 39 transportation of property. **The term does not include a van, sport
 40 utility vehicle, or other motor vehicle designed primarily for
 41 carrying passengers.**

42 (b) "Truck", for purposes of IC 9-21-8-3, includes the following:

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- 1 (1) A motor vehicle designed and used primarily for drawing
- 2 another vehicle and constructed to carry a load other than a part
- 3 of the weight of the vehicle and load so drawn.
- 4 (2) A motor vehicle designed and used primarily as a farm
- 5 implement for drawing plows, mowing machines, and other
- 6 implements of husbandry.

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