

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Finance, to which was referred House Bill No. 2022, 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 Replace the effective date in SECTION 1 with "[EFFECTIVE
- 2 JANUARY 1, 2001]".
- 3 Page 2, between lines 12 and 13, begin a new paragraph and insert:
- 4 "**(b) As used in this chapter, "base revenue" means the**
- 5 **minimum amount of commercial vehicle excise tax revenue that a**
- 6 **taxing unit will receive in a year."**
- 7 Page 2, line 13, delete "(b)" and insert "(c)".
- 8 Page 2, line 23, delete "(c)" and insert "(d)".
- 9 Page 2, line 27, delete "(d)" and insert "(e)".
- 10 Page 2, line 28, after "of" insert "**state**".
- 11 Page 2, line 29, delete "(e)" and insert "(f)".
- 12 Page 2, line 31, delete "(f)" and insert "(g)".
- 13 Page 2, line 34, delete "(g)" and insert "**(h)**".
- 14 Page 2, line 37, delete "(h)" and insert "**(i)**".
- 15 Page 2, line 39, after "year" insert ".".
- 16 Page 2, line 39, delete "and in".
- 17 Page 2, delete lines 40 through 42.

- 1 Page 3, line 1, delete "(i)" and insert "**(j)**".
- 2 Page 3, line 3, delete "(j)" and insert "**(k)**".
- 3 Page 3, line 6, delete "(k)" and insert "**(l)**".
- 4 Page 3, line 11, delete "(l)" and insert "**(m)**".
- 5 Page 3, line 13, delete "(m)" and insert "**(n)**".
- 6 Page 3, line 15, delete "(n)" and insert "**(o)**".
- 7 Page 3, line 17, delete "(o)" and insert "**(p)**".
- 8 Page 3, line 19, delete "(p)" and insert "**(q)**".
- 9 Page 3, line 21, delete "(q)" and insert "**(r)**".
- 10 Page 3, line 27, delete "(b)This" and insert "**(b) This**".
- 11 Page 4, line 24, after "taxes" insert "**first due and payable in 2001**
- 12 **or thereafter,**".
- 13 Page 4, line 29, delete "Except as otherwise provided in this
- 14 chapter," and insert "**For calendar year 2000,**".
- 15 Page 4, line 29, delete "annual".
- 16 Page 4, line 35, delete "\$19" and insert "**\$11**".
- 17 Page 4, line 36, delete "\$24" and insert "**\$14**".
- 18 Page 4, line 37, delete "\$33" and insert "**\$19**".
- 19 Page 4, line 38, delete "\$33" and insert "**\$19**".
- 20 Page 4, line 39, delete "\$41" and insert "**\$23**".
- 21 Page 4, line 40, delete "\$57" and insert "**\$33**".
- 22 Page 4, line 41, delete "\$70" and insert "**\$40**".
- 23 Page 4, line 42, delete "\$87" and insert "**\$50**".
- 24 Page 5, line 1, delete "\$102" and insert "**\$58**".
- 25 Page 5, line 2, delete "\$113" and insert "**\$64**".
- 26 Page 5, line 3, delete "\$119" and insert "**\$68**".
- 27 Page 5, line 4, delete "\$133" and insert "**\$76**".
- 28 Page 5, line 5, delete "Except as otherwise provided in this chapter,"
- 29 and insert "**For calendar year 2000,**".
- 30 Page 5, line 5, delete "annual".
- 31 Page 5, line 11, delete "\$24" and insert "**\$13**".
- 32 Page 5, line 12, delete "\$43" and insert "**\$25**".
- 33 Page 5, line 13, delete "\$54" and insert "**\$31**".
- 34 Page 5, line 14, delete "\$69" and insert "**\$39**".
- 35 Page 5, line 15, delete "\$76" and insert "**\$43**".
- 36 Page 5, line 16, delete "\$92" and insert "**\$52**".
- 37 Page 5, line 17, delete "\$100" and insert "**\$57**".

- 1 Page 5, line 18, delete "\$111" and insert "\$63".
- 2 Page 5, line 19, delete "\$120" and insert "\$69".
- 3 Page 5, line 20, delete "\$136" and insert "\$77".
- 4 Page 5, line 21, delete "\$146" and insert "\$83".
- 5 Page 5, line 22, delete "\$162" and insert "\$92".
- 6 Page 5, line 23, delete "\$173" and insert "\$98".
- 7 Page 5, line 24, delete "\$188" and insert "\$107".
- 8 Page 5, line 25, delete "Except as otherwise provided in this
- 9 chapter," and insert "**For calendar year 2000,**".
- 10 Page 5, line 26, delete "annual".
- 11 Page 5, line 28, delete "three dollars (\$3)" and insert "**one dollar**
- 12 **(\$1)**".
- 13 Page 5, line 29, delete "Except as otherwise provided in this
- 14 chapter," and insert "**For calendar year 2000,**".
- 15 Page 5, line 29, delete "annual".
- 16 Page 5, line 35, delete "\$2" and insert "\$1".
- 17 Page 5, line 36, delete "\$3" and insert "\$2".
- 18 Page 5, line 37, delete "\$4" and insert "\$2".
- 19 Page 5, line 38, delete "\$10" and insert "\$6".
- 20 Page 5, line 39, delete "\$15" and insert "\$9".
- 21 Page 5, line 40, delete "\$24" and insert "\$13".
- 22 Page 5, line 41, delete "\$32" and insert "\$18".
- 23 Page 5, between lines 41 and 42, begin a new paragraph and insert:
- 24 "**Sec. 7. (a) For calendar years that begin after December 31,**
- 25 **2000, the annual excise tax for a commercial vehicle will be**
- 26 **determined by the motor carrier services division on or before**
- 27 **October 1 of each year in accordance with the following formula:**
- 28 **STEP ONE: Determine the total amount of base revenue to be**
- 29 **distributed from the commercial vehicle excise tax fund to all**
- 30 **taxing units in Indiana during the calendar year for which the**
- 31 **tax is first due and payable. For calendar year 2001, the total**
- 32 **amount of base revenue for all taxing units shall be**
- 33 **determined as provided in section 19 of this chapter. For**
- 34 **calendar years that begin after December 31, 2001, the total**
- 35 **amount of base revenue for all taxing units shall be**
- 36 **determined by multiplying the previous year's base revenue**
- 37 **for all taxing units by one hundred and five percent (105%).**
- 38 **STEP TWO: Determine the sum of fees paid to register the**

1 following commercial vehicles in Indiana under the following
 2 statutes during the fiscal year that ends on June 30
 3 immediately preceding the calendar year for which the tax is
 4 first due and payable:

5 (A) Total registration fees collected under IC 9-29-5-3 for
 6 commercial vehicles with a declared gross weight in excess
 7 of eleven thousand (11,000) pounds, including trucks,
 8 tractors not used with semitrailers, traction engines, and
 9 other similar vehicles used for hauling purposes;

10 (B) Total registration fees collected under IC 9-29-5-5 for
 11 tractors used with semitrailers;

12 (C) Total registration fees collected under IC 9-29-5-6 for
 13 semitrailers used with tractors;

14 (D) Total registration fees collected under IC 9-29-5-4 for
 15 trailers having a declared gross weight in excess of three
 16 thousand (3,000) pounds; and

17 (E) Total registration fees collected under IC 9-29-5-13 for
 18 trucks, tractors and semitrailers used in connection with
 19 agricultural pursuits usual and normal to the user's
 20 farming operation, multiplied by two hundred percent
 21 (200%);

22 **STEP THREE: Determine the tax factor by dividing the STEP**
 23 **ONE result by the STEP TWO result.**

24 (b) Except as otherwise provided in this chapter, the annual
 25 excise tax for commercial vehicles with a declared gross weight in
 26 excess of eleven thousand (11,000) pounds, including trucks,
 27 tractors not used with semitrailers, traction engines, and other
 28 similar vehicles used for hauling purposes, shall be determined by
 29 multiplying the registration fee under IC 9-29-5-3 by the tax factor
 30 determined in subsection (a).

31 (c) Except as otherwise provided in this chapter, the annual
 32 excise tax for tractors used with semitrailers shall be determined
 33 by multiplying the registration fee under IC 9-29-5-5 by the tax
 34 factor determined in subsection (a).

35 (d) Except as otherwise provided in this chapter, the annual
 36 excise tax for trailers having a declared gross weight in excess of
 37 three thousand (3,000) pounds shall be determined by multiplying
 38 the registration fee under IC 9-29-5-4 by the tax factor determined

1 in subsection (a).

2 (e) The annual excise tax for a semitrailer shall be determined
3 by multiplying the average annual registration fee under
4 IC 9-29-5-6 by the tax factor determined in subsection (a). The
5 average annual registration fee for a semitrailer under IC 9-29-5-6
6 is sixteen dollars and seventy-five cents (\$16.75).

7 (f) The annual excise tax determined under this section shall be
8 rounded upward to the next full dollar amount."

9 Page 5, line 42, delete "7" and insert "8".

10 Page 6, line 5, delete "9" and insert "8".

11 Page 6, line 7, after "year" insert "in".

12 Page 6, line 17, delete "8" and insert "9".

13 Page 6, line 17, delete "which" and insert "that".

14 Page 6, line 26, delete "which" and insert "that".

15 Page 6, line 29, delete "which" and insert "that".

16 Page 6, line 33, delete "which" and insert "that".

17 Page 6, line 40, delete "9" and insert "10".

18 Page 6, line 40, delete "A" and insert "For calendar years that
19 begin after December 31, 2000, a".

20 Page 7, line 14, delete "10" and insert "11".

21 Page 7, line 16, delete "11" and insert "12".

22 Page 7, line 32, delete "12" and insert "13".

23 Page 7, line 33, delete "April 30," and insert "February 28,".

24 Page 8, line 1, after "based" insert ",".

25 Page 8, delete lines 5 through 30, begin a new paragraph and insert:

26 "Sec. 14. (a) The commercial vehicle excise tax reserve fund is
27 established for the purpose of receiving commercial vehicle excise
28 taxes first due and payable in calendar year 2000. The fund shall
29 be administered by the department.

30 (b) The expenses of administering the fund shall be paid from
31 money in the fund.

32 (c) The treasurer of state shall invest the money in the fund not
33 currently needed to meet the obligations of the fund in the same
34 manner as other public money may be invested. Interest that
35 accrues from these investments shall be deposited in the fund.

36 (d) Money in the fund at the end of a state fiscal year does not
37 revert to the state general fund.

38 (e) Any money remaining in the fund on March 1, 2006, shall

1 revert to the motor carrier regulation fund established under
2 IC 8-2.1-23-1.

3 Sec. 15. (a) The department shall promptly deposit all amounts
4 collected under section 3(b) of this chapter for taxes first due and
5 payable in calendar year 2000 into the commercial vehicle excise
6 tax reserve fund.

7 (b) The bureau of motor vehicles shall promptly deposit all
8 amounts collected under this chapter for taxes first due and
9 payable in calendar year 2000 into the commercial vehicle excise
10 tax reserve fund.

11 (c) A contractor providing:

12 (1) a full service license branch under IC 9-16-1-4; or

13 (2) a partial service license branch under IC 9-16-1-4.5,

14 shall remit the amount of commercial vehicle excise tax collected
15 each week for taxes first due and payable in calendar year 2000 to
16 the bureau of motor vehicles for deposit into the commercial
17 vehicle excise tax reserve fund.

18 (d) This section expires June 30, 2001."

19 Page 8, line 31, delete "14" and insert "16".

20 Page 8, line 32, after "taxes" insert "first due and payable in 2001
21 and thereafter"

22 Page 8, line 42, delete "15" and insert "17".

23 Page 9, line 5, delete "16" and insert "19".

24 Page 9, line 10, delete "16" and insert "19".

25 Page 9, delete lines 18 through 42.

26 Page 10, delete lines 1 through 33, begin a new paragraph and
27 insert:

28 "Sec. 18. (a) A taxpayer who owns, holds, possesses, or controls
29 a commercial vehicle that:

30 (1) is subject to the commercial vehicle excise tax imposed
31 under this chapter; and

32 (2) would have been subject to assessment as personal
33 property on March 1, 2000, under the law in effect before
34 January 1, 2000;

35 shall file an information return on or before May 15, 2000, with the
36 assessor of each township in which the taxpayer's commercial
37 vehicles would have been subject to assessment and taxation under
38 IC 6-1.1.

1 (b) The information return shall be filed on a form prescribed
2 by the state board of tax commissioners, and shall require the
3 taxpayer to provide information regarding the value, nature, and
4 location of each commercial vehicle which the taxpayer owns,
5 holds, possesses, or controls on March 1, 2000. If a commercial
6 vehicle is used or operated in interstate commerce, the value
7 reported on the information return shall be determined under the
8 procedure set forth in 50 IAC 4.2-10-3.

9 (c) The information return shall be furnished to the taxpayer by
10 the appropriate township assessor in the same manner and at the
11 same time as the taxpayer's personal property tax return.

12 (d) In completing an information return under this section, a
13 taxpayer shall make a complete disclosure of all information,
14 required by the state board of tax commissioners, that is related to
15 the value, nature, or location of commercial vehicles that the
16 taxpayer owns, holds, possesses or controls on March 1, 2000. The
17 taxpayer shall certify to the truth of all information appearing in
18 the information return, and all data accompanying the information
19 return.

20 (e) The township assessor shall examine and verify the accuracy
21 of each information return filed by a taxpayer. If appropriate, the
22 assessor shall compare an information return with the books of the
23 taxpayer and with commercial vehicles owned, held, possessed, or
24 controlled by the taxpayer.

25 Sec. 19. (a) As used in this section, "assessed value" means an
26 amount equal to the true tax value of commercial vehicles that:

27 (1) are subject to the commercial vehicle excise tax under this
28 chapter; and

29 (2) would have been subject to assessment as personal
30 property on March 1, 2000, under the law in effect before
31 January 1, 2000.

32 (b) For calendar year 2001, a taxing unit's base revenue shall be
33 determined as provided in subsection (f). For calendar years that
34 begin after December 31, 2001, a taxing unit's base revenue shall
35 be determined by multiplying the previous year's base revenue by
36 one hundred and five percent (105%).

37 (c) The amount of commercial vehicle excise tax distributed to
38 the taxing units of Indiana from the commercial vehicle excise tax

1 fund shall be determined in the manner provided in this section.
2 On or before June 1, 2000, each township assessor of a county shall
3 deliver to the county assessor a list that states by taxing district the
4 total assessed value as shown on the information returns filed with
5 the assessor on or before May 15, 2000.

6 (d) On or before July 1, 2000, each county assessor shall certify
7 to the county auditor the assessed value of commercial vehicles in
8 every taxing district.

9 (e) On or before August 1, 2000, the county auditor shall certify
10 the following to the state board of tax commissioners:

11 (1) The total assessed value of commercial vehicles in the
12 county.

13 (2) The total assessed value of commercial vehicles in each
14 taxing district of the county.

15 (f) The state board of tax commissioners shall determine each
16 taxing unit's base revenue by applying the current tax rate for each
17 taxing district to the certified assessed value from each taxing
18 district. The state board of tax commissioners shall also determine
19 the following:

20 (1) The total amount of base revenue to be distributed from
21 the commercial vehicle excise tax fund in 2001 to all taxing
22 units in Indiana.

23 (2) The total amount of base revenue to be distributed from
24 the commercial vehicle excise tax fund in 2001 to all taxing
25 units in each county.

26 (3) Each county's total distribution percentage. A county's
27 total distribution percentage shall be determined by dividing
28 the total amount of base revenue to be distributed in 2001 to
29 all taxing units in the county by the total base revenue to be
30 distributed statewide.

31 (4) Each taxing unit's distribution percentage. A taxing unit's
32 distribution percentage shall be determined by dividing each
33 taxing unit's base revenue by the total amount of base revenue
34 to be distributed in 2001 to all taxing units in the county.

35 (g) The state board of tax commissioners shall certify each
36 taxing unit's base revenue and distribution percentage for calendar
37 year 2001 to the auditor of state on or before September 1, 2000.

38 (h) The auditor of state shall keep permanent records of each

1 **taxing unit's base revenue and distribution percentage for calendar**
 2 **year 2001 for purposes of determining the amount of money each**
 3 **taxing unit in Indiana is entitled to receive in calendar years that**
 4 **begin after December 31, 2001.**

5 **Sec. 20. (a) On or before May 1, the auditor of state shall**
 6 **distribute to each county auditor an amount equal to fifty percent**
 7 **(50%) of the total base revenue to be distributed to all taxing units**
 8 **in the county for that year.**

9 **(b) On or before December 1, the auditor of state shall**
 10 **distribute to each county auditor an amount equal to the greater of**
 11 **the following:**

12 **(1) Fifty percent (50%) of the total base revenue to be**
 13 **distributed to all taxing units in the county for that year.**

14 **(2) The product of the county's distribution percentage**
 15 **multiplied by the total commercial vehicle excise tax revenue**
 16 **deposited in the commercial vehicle excise tax fund.**

17 **(c) Upon receipt, the county auditor shall distribute to the taxing**
 18 **units an amount equal to the product of the taxing unit's**
 19 **distribution percentage multiplied by the total distributed to the**
 20 **county under this section. The amount determined shall be**
 21 **apportioned and distributed among the respective funds of each**
 22 **taxing unit in the same manner and at the same time as property**
 23 **taxes are apportioned and distributed.**

24 **(d) In the event that sufficient funds are not available in the**
 25 **commercial vehicle excise tax fund for the distributions required**
 26 **by subsection (a) and subsection (b)(1), the auditor of state shall**
 27 **transfer funds from the commercial vehicle excise tax reserve**
 28 **fund."**

29 Page 10, line 34, delete "(f)" and insert "(e)".

30 Page 11, line 1, delete "17" and insert "21".

31 Page 11, line 5, delete "which" and insert "that".

32 Page 11, line 7, before "general" insert "state".

33 Page 11, line 7, before "budget" delete "state".

34 Page 11, line 8, before "general" insert "state".

35 Page 11, line 10, delete "18" and insert "22".

36 Page 11, line 11, before "general" insert "state".

37 Page 11, line 11, after "fund" delete "of the state".

38 Page 11, line 14, delete "which" and insert "that".

- 1 Page 11, line 16, before "budget" delete "state".
- 2 Page 16, delete lines 19 through 42.
- 3 Delete page 17.
- 4 Page 18, delete lines 1 through 15.
- 5 Page 21, delete lines 2 through 42.
- 6 Page 22, delete lines 1 through 7, begin a new paragraph and insert:
- 7 "SECTION 15. IC 9-18-2-16, AS AMENDED BY HEA 1184-1999,
- 8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY
- 9 1, 2000]: Sec. 16. (a) A person who owns a vehicle must sign an
- 10 application in ink to register the vehicle.
- 11 (b) An application to register a vehicle must contain the following:
- 12 (1) The:
- 13 (A) name, bona fide residence, and mailing address, including
- 14 the name of the county, of the person who owns the vehicle; or
- 15 (B) business address, including the name of the county, of the
- 16 person that owns the vehicle if the person is a firm, a
- 17 partnership, an association, a corporation, a limited liability
- 18 company, or a unit of government.
- 19 If the vehicle that is being registered has been leased and is
- 20 subject to the motor vehicle excise tax under IC 6-6-5 **or the**
- 21 **commercial vehicle excise tax under IC 6-6-5.5**, the application
- 22 must contain the address of the person who is leasing the vehicle.
- 23 If the vehicle that is being registered has been leased and is not
- 24 subject to the motor vehicle excise tax under IC 6-6-5 **or the**
- 25 **commercial vehicle excise tax under IC 6-6-5.5**, the application
- 26 must contain the address of the person who owns the vehicle, the
- 27 person who is the lessor of the vehicle, or the person who is the
- 28 lessee of the vehicle. If a leased vehicle is to be registered under
- 29 the International Registration Plan, the registration procedures are
- 30 governed by the terms of the plan.
- 31 (2) A brief description of the vehicle to be registered, including
- 32 the following information if available:
- 33 (A) The name of the manufacturer of the vehicle.
- 34 (B) The vehicle identification number.
- 35 (C) The manufacturer's rated capacity if the vehicle is a truck,
- 36 tractor, trailer, or semitrailer.
- 37 (D) The type of body of the vehicle.

- 1 (E) The model year of the vehicle.
- 2 (F) Any other information reasonably required by the bureau
- 3 to enable the bureau to determine if the vehicle may be
- 4 registered. The bureau may request the person applying for
- 5 registration to provide the vehicle's odometer reading.

6 (3) A space on the application in which the person registering the
 7 vehicle may indicate the person's desire to donate money to
 8 organizations that promote the procurement of organs for
 9 anatomical gifts. The space on the application must:

- 10 (A) allow the person registering the vehicle to indicate the
- 11 amount the person desires to donate; and
- 12 (B) provide that the minimum amount a person may donate is
- 13 one dollar (\$1).

14 Funds collected under this subdivision shall be distributed by the
 15 bureau as directed by the Indiana department of state health under
 16 IC 16-19-3-26. The bureau may deduct from the funds collected
 17 under this subdivision the costs incurred by the bureau in
 18 implementing and administering this subdivision.

19 (c) The department of state revenue may audit records of persons
 20 who register trucks, trailers, semitrailers, buses, and rental cars under
 21 the International Registration Plan to verify the accuracy of the
 22 application and collect or refund fees due."

23 Page 23, delete lines 3 through 8.

24 Page 24, line 28, delete "2001" and insert "**2002**".

25 Page 24, line 32, delete "IC 6-6-5.5-10 and IC 6-6-5.5-15" and insert
 26 "**IC 6-6-5.5-19**".

27 Page 24, delete line 33, begin a new paragraph and insert:

28 "**(b) Notwithstanding any other law, for the purpose of**
 29 **computing each civil taxing unit's maximum levy growth quotient**
 30 **under IC 6-1.1-18.5-2, the state board of tax commissioners shall**
 31 **subtract from each civil taxing unit's total assessed value for the**
 32 **following calendar years the amount of assessed value attributable**
 33 **to vehicles now subject to the commercial vehicle excise tax**
 34 **imposed under IC 6-6-5.5:**

- 35 (1) **1997.**
- 36 (2) **1998.**
- 37 (3) **1999.**
- 38 (4) **2000.**

1 SECTION 27. [EFFECTIVE JANUARY 1, 2000] **If a court makes**
2 **a final determination that the commercial vehicle excise tax, as**
3 **added by this act is invalid, the amendment to IC 6-1.1-2-7, by this**
4 **act, is void upon the exhaustion of all appeals of the court's final**
5 **determination."**

6 Renumber all SECTIONS consecutively.
 (Reference is to HB 2022 as reprinted February 16, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 1.

Senator Borst, Chairperson