

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1120 be amended to read as follows:

- 1           Page 83, between lines 39 and 40, begin a new paragraph and insert:  
2           "SECTION 53. IC 6-6-9.5 IS ADDED TO THE INDIANA CODE  
3           AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2005]:  
5           **Chapter 9.5. Vanderburgh County Supplemental Auto Rental**  
6           **Excise Tax**  
7           **Sec. 1. This chapter applies to Vanderburgh County.**  
8           **Sec. 2. As used in this chapter, "department" refers to the**  
9           **department of state revenue.**  
10          **Sec. 3. As used in this chapter, "gross retail income" has the**  
11          **meaning set forth in IC 6-2.5-1-5.**  
12          **Sec. 4. As used in this chapter, "passenger motor vehicle" has**  
13          **the meaning set forth in IC 9-13-2-123(a).**  
14          **Sec. 5. As used in this chapter, "person" has the meaning set**  
15          **forth in IC 6-2.5-1-3.**  
16          **Sec. 6. As used in this chapter, "retail merchant" has the**  
17          **meaning set forth in IC 6-2.5-1-8.**  
18          **Sec. 7. (a) The legislative body of the most populous city in the**  
19          **county may adopt an ordinance to impose an excise tax, known as**  
20          **the county supplemental auto rental excise tax, upon the rental of**  
21          **passenger motor vehicles in the county for periods of less than**  
22          **thirty (30) days. The ordinance must specify that the tax expires**  
23          **December 31, 2036.**  
24          **(b) The county supplemental auto rental excise tax that may be**  
25          **imposed on the rental of a passenger motor vehicle is two percent**  
26          **(2%) of the gross retail income received by the retail merchant for**  
27          **the rental.**  
28          **(c) If the city legislative body adopts an ordinance under**  
29          **subsection (a), the city legislative body shall immediately send a**  
30          **certified copy of the ordinance to the commissioner of the**

1 department.

2 (d) If the city legislative body adopts an ordinance under  
3 subsection (a) before June 1 of a year, the county supplemental  
4 auto rental excise tax applies to auto rentals after June 30 of the  
5 year in which the ordinance is adopted. If the city legislative body  
6 adopts an ordinance under subsection (a) on or after June 1 of a  
7 year, the county supplemental auto rental excise tax applies to auto  
8 rentals after the last day of the month in which the ordinance is  
9 adopted.

10 Sec. 8. (a) The rental of a passenger motor vehicle by a funeral  
11 director licensed under IC 25-15 is exempt from the county  
12 supplemental auto rental excise tax if the rental is part of the  
13 services provided by the funeral director for a funeral.

14 (b) The temporary rental of a passenger motor vehicle is exempt  
15 from the county supplemental auto rental excise tax if the rental is:

- 16 (1) made or reimbursed under a contract or agreement:
- 17 (A) between a provider and person;
- 18 (B) given for consideration over and above the lease or  
19 purchase price of a motor vehicle; and
- 20 (C) that undertakes to perform or provide repair or  
21 replacement service, or indemnification for that service, for  
22 the operational or structural failure of a motor vehicle due  
23 to a defect in materials or skill of work or normal wear and  
24 tear;
- 25 (2) made or reimbursed under a contract for mechanical  
26 breakdown insurance;
- 27 (3) made or reimbursed under a contract for automobile  
28 collision insurance or automobile comprehensive insurance  
29 that covers the temporary lease of a vehicle to the person after  
30 the person's vehicle is damaged or destroyed in a collision; or
- 31 (4) otherwise provided to a person as a replacement vehicle:
- 32 (A) while the person's vehicle is repaired or serviced due to  
33 a defect in materials or skill of work, normal wear and  
34 tear, or other damage; or
- 35 (B) until the person permanently replaces a vehicle that has  
36 been destroyed.

37 Sec. 9. A person that rents a passenger motor vehicle is liable for  
38 the county supplemental auto rental excise tax. The person shall  
39 pay the tax to the retail merchant as a separate amount added to  
40 the consideration for the rental. The retail merchant shall collect  
41 the tax as an agent for the state.

42 Sec. 10. (a) Except as otherwise provided in this section, the  
43 county supplemental auto rental excise tax shall be imposed, paid,  
44 and collected in the same manner that the state gross retail tax is  
45 imposed, paid, and collected under IC 6-2.5.

46 (b) Each retail merchant filing a return for the county  
47 supplemental auto rental excise tax shall indicate in the return:

1           **(1) all locations in the county where the retail merchant**  
2           **collected county supplemental auto rental excise taxes; and**  
3           **(2) the amount of county supplemental auto rental excise taxes**  
4           **collected at each location.**

5           **(c) The return to be filed for the payment of the county**  
6           **supplemental auto rental excise tax may be:**

7               **(1) a separate return;**  
8               **(2) combined with the return filed for the payment of the auto**  
9               **rental excise tax under IC 6-6-9; or**  
10              **(3) combined with the return filed for the payment of the state**  
11              **gross retail tax;**  
12           **as prescribed by the department.**

13           **Sec. 11. The amounts received from the tax imposed under this**  
14           **chapter shall be paid monthly by the treasurer of state to the fiscal**  
15           **officer of the most populous city in the county upon warrants**  
16           **issued by the auditor of state.**

17           **Sec. 12. If a tax is imposed under section 7 of this chapter, the**  
18           **fiscal officer of the most populous city in the county shall deposit all**  
19           **amounts received under this chapter in the tourism capital**  
20           **improvement fund established under IC 6-9-2.5-7.5 to be used only**  
21           **for the purposes of the tourism capital improvement fund.**

22           **Sec. 13. This chapter expires January 1, 2036."**  
23           Renumber all SECTIONS consecutively.  
              (Reference is to EHB 1120 as printed April 4, 2005.)

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Senator SERVER