Reprinted
April 9, 2013

ENGROSSED
HOUSE BILL No. 1324

DIGEST OF HB 1324 (Updated April 8, 2013 6:42 pm - DI 96)

Citations Affected: IC 4-4; IC 6-2.5; IC 6-6; IC 6-8.1; IC 8-14; IC 9-13; IC 9-20; IC 35-51; noncode.

Synopsis: Motor fuels. Provides for a separate law for the collection and remittance of the state gross retail tax on alternative fuels. Imposes an excise tax on alternative fuel used as motor fuel at $0.16 per diesel
(Continued next page)

Effective: July 1, 2013.

Frye R, Davis, Ziemke, Goodin, Bartlett, Arnold L, Austin, Bacon, Cherry, Davisson, DeLaney, Gutwein, Heaton, Kirchhofer, Lucas, Mahan, Morris, Moseley, Niemeyer, Speedy, Stemler, Steuerwald, Ubelhor, VanNatter
(SENATE SPONSORS — ECKERTY, BREAUX, WYSS)

January 17, 2013, read first time and referred to Committee on Roads and Transportation.
February 7, 2013, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 18, 2013, reported — Do Pass.
February 20, 2013, read second time, amended, ordered engrossed.
February 21, 2013, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 27, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veteran's Affairs.
March 19, 2013, reported — Do Pass. Reassigned to Committee on Tax and Fiscal Policy.
April 4, 2013, amended, reported favorably — Do Pass.
April 8, 2013, read second time, amended, ordered engrossed.

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Digest Continued

gallon equivalent. Provides for the imposition of the motor carrier fuel tax upon alternative fuels by using the diesel gallon equivalents (instead of gallons) of alternative fuel sold. Authorizes a vehicle or combination of vehicles to operate on a highway at a higher weight limitation if the vehicle uses natural gas as a motor fuel. Provides that the alternative fuel decal law does not apply to vehicles other than utility owned vehicles after June 30, 2013, and to utility owned vehicles after March 31, 2014. Imposes a road impact fee on electric powered vehicles, including hybrid motor vehicles, that must be paid when registering the motor vehicle. Deposits the road impact fee in the highway, road and street fund.

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April 9, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1324

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-4-32.2-5, AS ADDED BY P.L.151-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) As used in this chapter, "motor fuel" has the meaning set forth in ~~IC 6-6-4.1-1(g).~~ **IC 6-6-4.1-1(h).**

(b) The term includes alternative fuel.

SECTION 2. IC 6-2.5-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply to a transaction in which alternative fuel is purchased and placed into the fuel supply tank of a motor vehicle.**

SECTION 3. IC 6-2.5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 7.5. Collection and Remittance of State Gross Retail Tax on Alternative Fuel

Sec. 1. This chapter applies to alternative fuel placed into the fuel supply tank of a motor vehicle or otherwise used to power a

motor vehicle after June 30, 2013.

Sec. 2. As used in this chapter, "alternative fuel" refers to the following:

(1) A motor fuel defined as an alternative fuel by IC 6-6-2.5-1.

(2) Hydrogen.

(3) Coal-derived liquid fuels.

(4) Non-alcohol fuels derived from biological material.

(5) P-Series fuels.

Sec. 3. As used in this chapter, "DGE" means diesel gallon equivalent.

Sec. 4. As used in this chapter, "diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.

Sec. 5. As used in this chapter, "federal excise tax" means the excise tax, if any, imposed under Section 4041 of the Internal Revenue Code on an alternative fuel.

Sec. 6. As used in this chapter, "Indiana alternative fuel tax" means the excise tax imposed under IC 6-6-12.

Sec. 7. As used in this chapter, "price per DGE before the addition of state and federal taxes" means an amount that equals the remainder of:

(1) the total price per DGE; minus

(2) the state gross retail taxes, the Indiana alternative fuel taxes, and the federal excise taxes that are part of the total price per DGE.

Sec. 8. As used in this chapter, "truck" means a motor vehicle that is predominantly used to provide public transportation for persons or property.

Sec. 9. (a) Except as provided in subsection (b), a retail merchant shall collect for each unit of alternative fuel sold and dispensed from a metered pump state gross retail tax in an amount equal to the product, rounded to the nearest one-tenth of one cent ($0.001), of:

(1) the price per DGE before the addition of state and federal taxes; multiplied by

(2) seven percent (7%).

(b) Unless an exemption certificate is provided in accordance with IC 6-2.5-8-8, a retail merchant shall collect the state gross retail tax prescribed in this section even if the transaction is exempt from taxation under IC 6-2.5-5.

Sec. 10. (a) If the state gross retail tax is collected on a sale of alternative fuel that is exempt from the state gross retail tax, the

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person who pays the tax to the retail merchant may file a claim for refund with the department. The person must file the claim on the form, in the manner, and with the supporting documentation, prescribed by the department. If a person properly files a claim for refund, the department shall refund to the person the state gross retail tax collected with respect to the exempt transaction.

(b) Notwithstanding the other provisions of this section, the department may prescribe simplified procedures to make adjustments for exempt transactions.

Sec. 11. Except as provided in section 12 of this chapter, a retail merchant who uses a metered pump to dispense alternative fuel into the fuel supply tank of a motor vehicle shall display on the pump the total price per DGE of the alternative fuel. Subject to section 12 of this chapter, a retail merchant may not advertise alternative fuel at a price that is different from the price that the retail merchant is required to display on the metered pump.

Sec. 12. (a) A retail merchant may designate any metered pump at a business location that dispenses alternative fuel as being "for trucks only". To do this, a retail merchant must place on the pump a sign that states that alternative fuel dispensed from the metered pump may be placed only in the fuel supply tank of a truck. A sign that reads "TRUCKS ONLY" is sufficient to meet the requirements of this subsection.

(b) A retail merchant may not dispense alternative fuel from a metered pump that is designated for trucks only into the fuel supply tank of a vehicle that is not a truck.

(c) A retail merchant is not required to display on a metered pump the total price per DGE of the alternative fuel dispensed from the metered pump if the metered pump is designated for trucks only.

(d) A retail merchant may advertise alternative fuel at a price that does not include gross retail taxes that may be due on the sale of the alternative fuel only if the retail merchant maintains a metered pump that is designated for trucks only. If a retail merchant advertises alternative fuel at a price that does not include any gross retail taxes that may be due on the sale of the alternative fuel, the retail merchant must display in easily read lettering above or below the advertised price the words "EXEMPT TRUCKS ONLY".

Sec. 13. Each retail merchant who dispenses alternative fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

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(1) The total number of DGEs of alternative fuel sold from the metered pump during the period covered by the report.

(2) The total amount of money received by the retail merchant from the sale of alternative fuel described in subdivision (1) during the period covered by the report.

(3) That portion of the amount described in subdivision (2) that represents state and federal taxes imposed under this article, IC 6-6-12, or Section 4041 of the Internal Revenue Code.

SECTION 4. IC 6-2.5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in IC 6-2.5-7 **or IC 6-2.5-7.5,** a person who:

(1) displays an advertised price, marked price, or publicly stated price that includes the state gross retail or use taxes;

(2) offers to assume or absorb part of a customer's state gross retail or use tax on a sale; or

(3) offers to refund part of a customer's state gross retail or use tax as a part of a sale;

commits a Class B infraction.

(b) A retail merchant who:

(1) uses a metered pump to dispense gasoline or special fuel;

(2) is required to display on the pump the total price per unit of the gasoline or special fuel under IC 6-2.5-7-2; and

(3) advertises the gasoline or special fuel at a price other than that required by IC 6-2.5-7-2;

commits a Class B infraction.

(c) A retail merchant who:

(1) uses a metered pump to dispense alternative fuel into the fuel supply tank of a motor vehicle;

(2) is required to display on the pump the total price per unit of the alternative fuel under IC 6-2.5-7.5-11; and

(3) advertises the alternative fuel at a price other than that required by IC 6-2.5-7.5-11;

commits a Class B infraction.

SECTION 5. IC 6-6-2.1-100 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 100. This chapter does not apply to a motor vehicle powered by alternative fuel after:**

(1) June 30, 2013, in the case of a motor vehicle owned by a person other than a public utility; or

(2) March 31, 2014, in the case of a motor vehicle owned by a public utility.

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SECTION 6. IC 6-6-2.5-1, AS AMENDED BY P.L.122-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas, **a** compressed natural gas product, ~~or~~ a combination of liquefied petroleum gas and a compressed natural gas product, not including a biodiesel fuel or biodiesel blend, **or a liquid natural gas** used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, ~~or~~ compressed natural gas, **or liquid natural gas.**

SECTION 7. IC 6-6-4.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter:

(a) "Carrier" means a person who operates or causes to be operated a commercial motor vehicle on any highway in Indiana.

(b) "Commercial motor vehicle" means a vehicle which is listed in section 2(a) of this chapter and which is not excluded from the application of this chapter under section 2(b) of this chapter.

(c) "Commissioner" means the commissioner of the Indiana department of state revenue.

(d) "Declared gross weight" means the weight at which a motor vehicle is registered with:

(1) the bureau of motor vehicles; or

(2) a state other than Indiana.

(e) "Department" means the Indiana department of state revenue.

(f) "Diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.

~~(f)~~ **(g)** "Highway" means the entire width between the boundary lines of every publicly maintained way that is open in any part to the use of the public for purposes of vehicular travel.

~~(g)~~ **(h)** "Motor fuel" means gasoline (as defined in IC 6-6-1.1), special fuel (as defined in IC 6-6-2.5), and alternative fuel (as defined in ~~IC 6-6-2.5).~~ **IC 6-2.5-7.5-2).**

~~(h)~~ **(i)** "Quarter" means calendar quarter.

~~(i)~~ **(j)** "Motor vehicle" has the meaning set forth in IC 6-6-1.1-103.

~~(j)~~ **(k)** "Recreational vehicle" means motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure. A vehicle is not a recreational vehicle if the vehicle is used in connection with a business.

SECTION 8. IC 6-6-4.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A tax is imposed

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on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this tax is **determined as follows:**

(1) When imposed upon the consumption of gasoline or special fuel (other than a special fuel that is an alternative fuel), the tax rate is the same rate per gallon as the rate per gallon at which special fuel is taxed under IC 6-6-2.5.

(2) When imposed upon the consumption of a special fuel that is an alternative fuel, the tax rate is the same rate per diesel gallon equivalent as the rate per gallon at which special fuel is taxed under IC 6-6-2.5.

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(b) The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana and upon which the carrier has not paid tax imposed under IC 6-6-1.1 or IC 6-6-2.5.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of the equipment, as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 9. IC 6-6-4.1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) A surcharge tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this surcharge tax is:

(1) eleven cents ($0.11) per gallon **of gasoline or special fuel (other than a special fuel that is an alternative fuel); or**

(2) eleven cents ($0.11) per diesel gallon equivalent of a special fuel that is an alternative fuel.

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(b) The amount of motor fuel consumed by a carrier in its operations

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on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of this equipment as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 10. IC 6-6-4.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A carrier is entitled to a credit against the tax imposed under section 4 of this chapter if the carrier, or a lessor operating under the carrier's annual permit, has:

(1) paid the tax imposed under IC 6-6-1.1, ~~or~~ IC 6-6-2.5, **or IC 6-6-12** on motor fuel purchased in Indiana;

(2) consumed the motor fuel outside Indiana; and

(3) paid a gasoline, special fuel, **alternative fuel,** or road tax with respect to the fuel in one (1) or more other states or jurisdictions.

(b) The amount of credit for a quarter is equal to the tax paid under IC 6-6-1.1, ~~and~~ IC 6-6-2.5, **and IC 6-6-12** on motor fuel that:

(1) was purchased in Indiana;

(2) was consumed outside Indiana; and

(3) with respect to which the carrier paid a gasoline, special fuel, **alternative fuel,** or road tax to another state or jurisdiction.

(c) To qualify for the credit, the carrier shall submit any evidence required by the department of payment of the tax imposed under IC 6-6-1.1, ~~or~~ IC 6-6-2.5, **or IC 6-6-12.**

(d) A credit earned by a carrier in a particular quarter shall be applied against the carrier's tax liability under this chapter for that quarter before any credit carryover is applied against that liability under section 7 of this chapter.

SECTION 11. IC 6-6-4.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) As used in this

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section, the credit of a carrier for any quarter is the amount by which the credit to which the carrier is entitled under section 6 of this chapter for that quarter exceeds the tax liability of the carrier under section 4 of this chapter for that quarter.

(b) The credit for any quarter shall be allowed as a credit against the tax for which the carrier would otherwise be liable in the quarter in which the credit accrued.

(c) A carrier is entitled to the refund of any credit not previously used to offset a tax liability or for any erroneously paid tax or penalty. To obtain the refund, the carrier shall submit to the department a properly completed application in accordance with rules adopted by the department under IC 4-22-2. The application must be submitted within three (3) years after the end of:

(1) the quarter in which the credit accrued; or

(2) the calendar year that contains the taxable period in which the tax or penalty was erroneously paid.

Along with the application, the carrier shall submit any evidence required by the department and any reports required by the department under this chapter.

(d) The department shall pay interest on any part of a refund that is not made within ninety (90) days after the date on which all of the following have been completed:

(1) The filing of:

(A) the properly completed application for refund; or

(B) the quarterly return on which a refund is claimed.

(2) The submission of any evidence required by the department of payment of the tax imposed under IC 6-6-1.1, ~~or~~ IC 6-6-2.5, **or IC 6-6-12.**

(3) The submission of reports required by the department under this chapter.

(4) The furnishing of a surety bond, letter of credit, or cash deposit under section 8 of this chapter.

(e) The department shall pay interest at the rate established under IC 6-8.1-9 from the date of:

(1) the refund application;

(2) the due date of a timely filed quarterly return on which a refund is claimed; or

(3) the filing date of a quarterly return on which a refund is claimed, if the quarterly refund is filed after the due date of the quarterly return;

to a date determined by the department that does not precede the date on which the refund is made by more than thirty (30) days.

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SECTION 12. IC 6-6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 12. Excise Tax on Alternative Fuel Used as Motor Fuel

Sec. 1. This chapter applies to alternative fuel placed into the fuel supply tank of a motor vehicle after June 30, 2013.

Sec. 2. As used in this chapter, "alternative fuel" has the meaning set forth in IC 6-2.5-7.5-2.

Sec. 3. As used in this chapter, "alternative fuel tax" refers to the excise tax imposed by section 10 of this chapter.

Sec. 4. As used in this chapter, "department" refers to the department of state revenue.

Sec. 5. As used in this chapter, "DGE" means diesel gallon equivalent.

Sec. 6. As used in this chapter, "diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.

Sec. 7. As used in this chapter, "motor vehicle" means a vehicle designed principally for road use and that is propelled by an internal combustion engine or motor.

Sec. 8. As used in this chapter, "person" means a natural person, a partnership, a firm, an association, a corporation, a representative appointed by a court, the state, a political subdivision (as defined in IC 36-1-2-13), or any other entity, group, or syndicate.

Sec. 9. As used in this chapter, "retailer" means a person that engages in the business of selling or distributing alternative fuel as a motor fuel to the end user within Indiana.

Sec. 10. An excise tax of sixteen cents ($0.16) per DGE is imposed on the use of alternative fuel as a motor fuel. A retailer shall add the per DGE amount of tax to the selling price of each DGE of alternative fuel sold by the retailer so that the consumer bears the burden of the tax.

Sec. 11. (a) The following are exempt from the alternative fuel tax:

(1) Alternative fuel placed into the fuel supply tank of a motor vehicle owned by the United States or an agency or instrumentality of the United States.

(2) Alternative fuel sold to a public transportation corporation established under IC 36-9-4 and used for the transportation of persons for compensation within the territory of the corporation.

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(3) Alternative fuel sold to a public transit department of a municipality and used for the transportation of persons for compensation within a service area, no part of which is more than five (5) miles outside the corporate limits of the municipality.

(4) Alternative fuel sold to a common carrier of passengers, including a business operating a taxicab (as defined in IC 6-6-1.1-103(l)) and used by the carrier to transport passengers within a service area that is not larger than one (1) county, and counties contiguous to that county.

(5) The part of alternative fuel determined by the department to have been used to operate equipment attached to a motor vehicle, if the alternative fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment.

(b) A person claiming a tax exemption under subsection (a)(2) through (a)(5) must apply for a tax refund through the refund procedures established in section 12 of this chapter.

Sec. 12. (a) Alternative fuel tax collected by a retailer on alternative fuel used for an exempt purpose shall be refunded by the department to the user or the user's assignee under rules adopted by the department upon presentation of proof of exempt use by the user in the form that the department prescribes.

(b) Alternative fuel tax that has been erroneously paid by a person shall be refunded by the department in accordance with subsection (c).

(c) To claim a refund under subsection (a) or (b), a person must present to the department a statement that contains a written verification that the claim is made under penalties of perjury and lists the total amount of alternative fuel purchased and used for exempt purposes. The claim must be filed not more than three (3) years after the date the alternative fuel is purchased. The statement must show that payment for the purchase has been made and that the amount of tax paid on the purchase has been remitted.

(d) The department may make any investigations the department considers necessary before refunding the excise tax to a person.

Sec. 13. (a) A person that pays the alternative fuel tax on the use of alternative fuel in the operation of an intercity bus (as defined in IC 9-13-2-83) is entitled to a refund of the tax without interest if the person has:

(1) consumed the alternative fuel outside Indiana;

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(2) paid an alternative fuel tax or highway use tax for the alternative fuel in at least one (1) state or other jurisdiction outside Indiana; and

(3) complied with subsection (b).

(b) To qualify for a refund under this section, a person must submit to the department a claim for a refund, in the form prescribed by the department, that includes the following information:

(1) Any evidence requested by the department of the following:

(A) Payment of the alternative fuel tax.

(B) Payment of taxes in another state or jurisdiction outside Indiana.

(2) Any other information reasonably requested by the department.

Sec. 14. If the department does not issue a refund not later than ninety (90) days after the department receives a claim for the refund under section 12 of this chapter, the department shall pay the claimant interest at the rate established under IC 6-8.1-9 from a date that is ninety (90) days after the date that the department receives the claim for refund and all necessary documentation, until a date that is determined by the department but that does not precede by more than thirty (30) days the date on which the refund is made.

Sec. 15. Except as provided in section 17 of this chapter, a retailer shall remit the alternative fuel taxes imposed on transactions that occur during a particular calendar month to the department before the sixteenth day of the following calendar month.

Sec. 16. A retailer required to remit alternative fuel taxes shall remit the taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7).

Sec. 17. A retailer who properly remits alternative fuel taxes shall be allowed to retain one and six-tenths percent (1.6%) of the taxes to cover the costs of collecting, reporting, and timely remitting alternative fuel taxes.

Sec. 18. The alternative fuel taxes a retailer collects on the sale of alternative fuel used as motor fuel belong to the state. Except as provided in section 17 of this chapter, a retailer shall hold the money in trust for the state and for payment to the department. In the case of a corporation or partnership, each officer, employee, or member of the employer who is in that capacity is under a duty to

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collect the tax, and is personally liable for the tax, penalty, and interest.

Sec. 19. (a) A person who knowingly fails to collect or timely remit tax otherwise required to be paid to the department under section 15 of this chapter is liable for the uncollected tax plus a penalty equal to one hundred percent (100%) of the uncollected tax.

(b) A person who recklessly, knowingly, or intentionally fails or refuses to pay over to the state alternative fuel taxes at the time required by this chapter or who fraudulently withholds, appropriates, or otherwise uses the money or any part thereof belonging to the state commits a Class D felony.

(c) A person who negligently disregards any provision of this chapter is subject to a civil penalty of five hundred dollars ($500) for each separate occurrence of negligent disregard as determined by the department.

Sec. 20. The alternative fuel tax is a listed tax for purposes of IC 6-8.1.

Sec. 21. The department shall transfer alternative fuel taxes collected under this chapter to the treasurer of state for deposit as follows:

(1) Twenty-five percent (25%) must be deposited in the highway, road and street fund established under IC 8-14-2-2.1.

(2) The remainder must be deposited in the motor fuel tax fund of the motor vehicle highway account for:

(A) the payment of refunds due under this chapter; and

(B) the transfer of any remaining amounts to the motor vehicle highway account for distribution as provided by law.

SECTION 13. IC 6-8.1-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax

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(IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6); **the alternative fuel tax (IC 6-6-12);** the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation improvement income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 14. IC 8-14-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.1. The auditor shall create a special fund to be known as the "Highway, Road and Street Fund" for the deposit of the revenues from:

(1) the gasoline and special fuel taxes dedicated to the fund under IC 6-6-1.1-802 and IC 6-6-2.5; ~~and~~

(2) the increases in fees levied under IC 9-29-4, IC 9-29-5, IC 9-29-9, and IC 9-29-11, which increases are attributable to Acts 1969, Chapter 321, SECTION 1; **and**

(3) the road impact fees deposited in the fund under IC 9-29-18-10.

SECTION 15. IC 9-13-2-49.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 49.4. "Battery powered motor vehicle", for purposes of IC 9-29-17, has the meaning set forth in IC 9-29-17-2.**

SECTION 16. IC 9-20-4-1, AS AMENDED BY P.L.65-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in subsections (b) and (c), a person may not operate or cause to be operated upon an Indiana

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highway a vehicle or combination of vehicles having weight in excess of one (1) or more of the following limitations:

(1) The total gross weight, with load, in pounds of any vehicle or combination of vehicles may not exceed an overall gross weight on a group of two (2) or more consecutive axles produced by application of the following formula:

$$W = 500 \{ [(LN) \div (N-1)] + 12N + 36 \}$$

where W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration, except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more. The overall gross weight limit, calculated under this subdivision, may not exceed eighty thousand (80,000) pounds.

(2) The weight concentrated on the roadway surface from any tandem axle group may not exceed the following:

(A) Thirty-four thousand (34,000) pounds total weight.

(B) Twenty thousand (20,000) pounds on an individual axle in a tandem group.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim or an axle weight in excess of twenty thousand (20,000) pounds.

(b) The enforcement of weight limits under this section is subject to the following:

(1) It is lawful to operate within the scope of a permit, under weight limitations established by the Indiana department of transportation and in effect on July 1, 1956, as provided in IC 9-20-6.

(2) It is lawful to operate or cause to be operated a vehicle or combination of vehicles on a heavy duty highway or an extra heavy duty highway designated by the Indiana department of transportation if operated within the imposed limitations.

(3) Subsection (a) does not apply to any highway, road, street, or bridge for which a lesser weight limit is imposed by local authorities under IC 9-20-1-4 or IC 9-20-7-2. However, the local authority may by appropriate action establish and designate a county or city highway, road, or street or part of a highway, road,

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or street as a heavy duty highway subject to the weight limitations established under IC 9-20-5.

(4) Vehicles operated on toll road facilities are subject to rules of weight adopted for toll road facilities by the Indiana department of transportation under IC 8-15-2 and are not subject to subsection (a) when operated on a toll road facility.

(5) For purposes of a heavy duty vehicle that is equipped with an auxiliary power unit, the weight limitations provided in subsection (a) are increased by four hundred (400) pounds.

(6) For purposes of a vehicle that uses natural gas as a motor fuel, the weight limitations provided in subsection (a) are increased by two thousand (2,000) pounds.

(c) The greater of the weight limits imposed under subsection (a) or this subsection applies to vehicles operated upon an Indiana highway. The weight limits in effect on January 4, 1975, for any highway that is not designated as a heavy duty highway under IC 9-20-5 are the following:

(1) The total gross weight, with load, in pounds of a vehicle or combination of vehicles may not exceed seventy-three thousand two hundred eighty (73,280) pounds.

(2) The total weight concentrated on the roadway surface from a tandem axle group may not exceed sixteen thousand (16,000) pounds for each axle of a tandem assembly.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim, or an axle weight greater than eighteen thousand (18,000) pounds.

SECTION 17. IC 9-29-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 18. Road Impact Fees

Sec. 1. This chapter applies to annual motor vehicle registrations occurring after December 31, 2013.

Sec. 2. As used in this chapter, "battery powered motor vehicle" refers to:

(1) a motor vehicle designed to be operated for at least thirty-five (35) miles without requiring the assistance of an internal combustion engine; and

(2) a motor vehicle that draws propulsion energy from onboard sources of stored energy, which may include both:

(A) an internal combustion or heat engine using consumable fuel; and

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(B) a rechargeable energy storage system.

The term includes any motor vehicle commonly referred to as a "plug in", "plug in hybrid", or "hybrid" vehicle.

Sec. 3. (a) The owner of a battery powered motor vehicle that is registered in Indiana shall pay an annual road impact fee.

(b) Except as provided in subsection (c), the amount of the fee is prescribed by the following schedule:

SCHEDULE

Motor Vehicle	Annual Fee
A passenger motor vehicle.	$100
A truck, van, recreational vehicle, or bus, having a declared gross weight of not more than 9,000 pounds.	$200
A truck, van, recreational vehicle, or bus, having a declared gross weight greater than 9,000 pounds, but not more than 11,000 pounds..	$250
A truck, van, recreational vehicle, or bus, having a declared gross weight greater than 11,000 pounds..	$300
A tractor, designed to be used with a semitrailer.	$500

(c) This subsection applies to a battery powered motor vehicle that is base-registered in Indiana under the terms of the International Registration Plan. The annual fee imposed under this section on the motor vehicle is equal to:

(1) the amount of the fee prescribed for the motor vehicle by the schedule set forth in subsection (b); multiplied by

(2) a percentage equal to the percentage of the owner's registration fee for the motor vehicle that is apportioned to Indiana under the International Registration Plan.

Sec. 4. (a) Except as provided in subsection (b), the annual fee imposed under section 3 of this chapter is due on or before the regular annual registration date in each year that the owner of the battery powered motor vehicle is required under the motor vehicle registration laws of Indiana to register vehicles.

(b) This subsection applies to a battery powered motor vehicle that is base-registered in Indiana under the terms of the International Registration Plan. The annual fee imposed under section 3 of this chapter is due on or before the regular annual registration date in each year that the owner of the battery powered motor vehicle is required to register the motor vehicle

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under the terms of the International Registration Plan.

Sec. 5. Payment of the road impact fee imposed under section 3 of this chapter is a condition to the right to register or reregister a battery powered motor vehicle. The fee is in addition to all other conditions, taxes, and fees prescribed by law.

Sec. 6. The bureau may accept a voucher from the department of state revenue showing payment of the road impact fee imposed under section 4(b) of this chapter instead of a payment under section 4(a) of this chapter.

Sec. 7. The annual fee imposed under section 3 of this chapter must be reduced proportionately on a monthly basis if:

(1) the battery powered motor vehicle is registered in a calendar month following the month in which:

(A) the owner's annual registration date occurs; or

(B) the owner is required to register motor vehicles under the International Registration Plan; and

(2) the motor vehicle is newly:

(A) converted to battery power;

(B) purchased; or

(C) registered in Indiana.

Sec. 8. (a) A person is entitled to a refund of a fee paid under section 4 of this chapter if the battery powered motor vehicle is sold or destroyed before the person's registration year elapses. Subject to subsection (b), the amount of the refund is equal to:

(1) the amount of the fee paid; multiplied by

(2) a fraction. The numerator of the fraction is the number of full calendar months occurring after the date of the sale or destruction of the battery powered motor vehicle and before the date on which the person would have been required to reregister the battery powered motor vehicle. The denominator of the fraction is twelve (12).

(b) The amount of a refund determined under subsection (a) must be rounded upward to the next full dollar amount.

Sec. 9. The bureau shall transfer fees collected under this chapter to the department of state revenue for deposit in the highway, road and street fund created under IC 8-14-2-2.1.

Sec. 10. The department of state revenue shall deposit any fees:

(1) received from the bureau under section 6 of this chapter; or

(2) collected under section 4(b) of this chapter;

in the highway, road and street fund created under IC 8-14-2-2.1.

SECTION 18. IC 35-51-6-1, AS AMENDED BY P.L.6-2012,

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SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 6:

IC 6-1.1-5.5-10 (Concerning sales disclosure forms).
IC 6-1.1-37-1 (Concerning officers of the state or local government).
IC 6-1.1-37-2 (Concerning officials or representatives of the department of local government **finance).**
IC 6-1.1-37-3 (Concerning property tax returns, statements, or documents).
IC 6-1.1-37-4 (Concerning property tax deductions).
IC 6-1.1-37-5 (Concerning false statements on a report or application).
IC 6-1.1-37-6 (Concerning general assessments).
IC 6-2.3-5.5-12 (Concerning utility taxes).
IC 6-2.3-7-1 (Concerning taxes).
IC 6-2.3-7-2 (Concerning taxes).
IC 6-2.3-7-3 (Concerning taxes).
IC 6-2.3-7-4 (Concerning taxes).
IC 6-2.5-9-1 (Concerning taxes).
IC 6-2.5-9-2 (Concerning taxes).
IC 6-2.5-9-3 (Concerning taxes).
IC 6-2.5-9-6 (Concerning taxes).
IC 6-2.5-9-7 (Concerning retail sales).
IC 6-2.5-9-8 (Concerning taxes).
IC 6-3-3-9 (Concerning taxes).
IC 6-3-4-8 (Concerning taxes).
IC 6-3-6-10 (Concerning taxes).
IC 6-3-6-11 (Concerning taxes).
IC 6-3-7-5 (Concerning taxes).
IC 6-3.5-4-16 (Concerning taxes).
IC 6-4.1-12-12 (Concerning taxes).
IC 6-5.5-7-3 (Concerning taxes).
IC 6-5.5-7-4 (Concerning taxes).
IC 6-6-1.1-1307 (Concerning taxes).
IC 6-6-1.1-1308 (Concerning taxes).
IC 6-6-1.1-1309 (Concerning taxes).
IC 6-6-1.1-1310 (Concerning taxes).
IC 6-6-1.1-1311 (Concerning taxes).
IC 6-6-1.1-1312 (Concerning taxes).
IC 6-6-1.1-1313 (Concerning taxes).
IC 6-6-1.1-1316 (Concerning taxes).

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IC 6-6-2.5-28 (Concerning taxes).
IC 6-6-2.5-40 (Concerning fuel).
IC 6-6-2.5-56.5 (Concerning fuel).
IC 6-6-2.5-62 (Concerning fuel).
IC 6-6-2.5-63 (Concerning taxes).
IC 6-6-2.5-71 (Concerning taxes).
IC 6-6-5-11 (Concerning taxes).
IC 6-6-5.1-25 (Concerning taxes).
IC 6-6-6-10 (Concerning taxes).
IC 6-6-11-27 (Concerning taxes).
IC 6-6-12-19 (Concerning alternative fuel taxes).
IC 6-7-1-15 (Concerning tobacco taxes).
IC 6-7-1-21 (Concerning tobacco taxes).
IC 6-7-1-22 (Concerning tobacco taxes).
IC 6-7-1-23 (Concerning tobacco taxes).
IC 6-7-1-24 (Concerning tobacco taxes).
IC 6-7-1-36 (Concerning tobacco taxes).
IC 6-7-2-18 (Concerning tobacco taxes).
IC 6-7-2-19 (Concerning tobacco taxes).
IC 6-7-2-20 (Concerning tobacco taxes).
IC 6-7-2-21 (Concerning tobacco taxes).
IC 6-8-1-19 (Concerning petroleum severance taxes).
IC 6-8-1-23 (Concerning petroleum severance taxes).
IC 6-8-1-24 (Concerning petroleum severance taxes).
IC 6-8.1-3-21.2 (Concerning taxes).
IC 6-8.1-7-3 (Concerning taxes).
IC 6-8.1-8-2 (Concerning taxes).
IC 6-8.1-10-4 (Concerning taxes).
IC 6-9-2-5 (Concerning innkeeper's taxes).
IC 6-9-2.5-8 (Concerning innkeeper's taxes).
IC 6-9-4-8 (Concerning innkeeper's taxes).
IC 6-9-6-8 (Concerning innkeeper's taxes).
IC 6-9-7-8 (Concerning innkeeper's taxes).
IC 6-9-10-8 (Concerning innkeeper's taxes).
IC 6-9-10.5-12 (Concerning innkeeper's taxes).
IC 6-9-11-8 (Concerning innkeeper's taxes).
IC 6-9-14-8 (Concerning innkeeper's taxes).
IC 6-9-15-8 (Concerning innkeeper's taxes).
IC 6-9-16-8 (Concerning innkeeper's taxes).
IC 6-9-17-8 (Concerning innkeeper's taxes).
IC 6-9-18-8 (Concerning innkeeper's taxes).
IC 6-9-19-8 (Concerning innkeeper's taxes).

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IC 6-9-29-2 (Concerning innkeeper's taxes).
IC 6-9-32-8 (Concerning innkeeper's taxes).
IC 6-9-37-8 (Concerning innkeeper's taxes).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1324, 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:

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-5-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. **(a) Except as provided in subsection (b),** transactions involving tangible personal property and services are exempt from the state gross retail tax, if the person acquiring the property or service directly uses or consumes it in providing public transportation for persons or property.

(b) A transaction involving alternative fuel (as defined by IC 6-6-2.5-1) acquired:

(1) after December 31, 2013, and before January 1, 2017; and

(2) to fuel a motor vehicle used in providing public transportation for persons or property;

is not exempt from the state gross retail tax.

SECTION 4. IC 6-2.5-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) **This section does not apply to alternative fuel (as defined by IC 6-6-2.5-1) dispensed after December 31, 2013, and before January 1, 2017.**

(b) A retail merchant may designate any metered pumps at a business location that dispense special fuel as being "for trucks only". To do this, a retail merchant must place on the pump a sign that states that fuel dispensed from the metered pump may only be placed in the fuel supply tanks of a truck. A sign that reads "TRUCKS ONLY" is sufficient to meet the requirements of this subsection.

~~(b)~~ **(c)** A retail merchant may not dispense special fuel from a metered pump that is designated for trucks only into the supply tank of a vehicle that is not a truck.

~~(c)~~ **(d)** A retail merchant is not required to display the total price per unit of the special fuel on a metered pump if that particular metered pump is designated for trucks only.

~~(d)~~ **(e)** A retail merchant may advertise special fuel at a price that does not include gross retail taxes that may be due on the sale of the special fuel only if ~~he~~ **the retail merchant** maintains a metered pump that is designated for trucks only. If a retail merchant advertises special fuel at a price that does not include any gross retail taxes that may be due on the sale of the special fuel, the retail merchant must display in easily read lettering above or below the advertised price the words

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"EXEMPT TRUCKS ONLY".".

Page 6, line 4, delete "natural gas" and insert "**alternative fuel**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1324 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 21, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1324 be amended to read as follows:

Page 1, line 4, delete "IC 6-6-4.1-1(h)." and insert "**IC 6-6-4.1-1(i).**".

Page 3, line 23, delete "A" and insert "**Except as provided in subsection (c), a**".

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"**(c) Subsection (b) does not apply to transactions involving alternative fuel purchased by a public transportation corporation to fuel a motor vehicle used to provide public transportation for persons.**".

Page 7, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 9. IC 6-6-2.5-28, AS AMENDED BY P.L.33-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28. (a) A license tax of sixteen cents ($0.16) per:

(1) gallon;

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(2) diesel gallon equivalent (as defined by IC 6-6-4.1-1(f)), in the case of a special fuel that is liquid natural gas; or
(3) gasoline gallon equivalent (as defined by IC 6-6-4.1-1(g)), in the case of a special fuel that is compressed natural gas or a fuel commonly or commercially known or sold as butane or propane;

is imposed on all special fuel sold or used in producing or generating power for propelling motor vehicles except fuel used under section 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in the manner, and by those persons specified in this section and section 35 of this chapter.

(b) The department shall consider it a rebuttable presumption that all undyed or unmarked special fuel, or both, received in Indiana is to be sold for use in propelling motor vehicles.

(c) Except as provided in subsection (d), the tax imposed on special fuel by subsection (a) shall be measured by invoiced gallons **(or diesel or gasoline gallon equivalents in the case of a special fuel described in subsection (a)(2) or (a)(3))** of nonexempt special fuel received by a licensed supplier in Indiana for sale or resale in Indiana or with respect to special fuel subject to a tax precollection agreement under section 35(d) of this chapter, such special fuel removed by a licensed supplier from a terminal outside of Indiana for sale for export or for export to Indiana and in any case shall generally be determined in the same manner as the tax imposed by Section 4081 of the Internal Revenue Code and Code of Federal Regulations.

(d) The tax imposed by subsection (a) on special fuel imported into Indiana, other than into a terminal, is imposed at the time the product is entered into Indiana and shall be measured by invoiced gallons received at a terminal or at a bulk plant.

(e) In computing the tax, all special fuel in process of transfer from tank steamers at boat terminal transfers and held in storage pending wholesale bulk distribution by land transportation, or in tanks and equipment used in receiving and storing special fuel from interstate pipelines pending wholesale bulk reshipment, shall not be subject to tax.

(f) The department shall consider it a rebuttable presumption that special fuel consumed in a motor vehicle plated for general highway use is subject to the tax imposed under this chapter. A person claiming exempt use of special fuel in such a vehicle must maintain adequate records as required by the department to document the vehicle's taxable and exempt use.

(g) A person that engages in blending fuel for taxable sale or use in

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Indiana is primarily liable for the collection and remittance of the tax imposed under subsection (a). The person shall remit the tax due in conjunction with the filing of a monthly report in the form prescribed by the department.

(h) A person that receives special fuel that has been blended for taxable sale or use in Indiana is secondarily liable to the state for the tax imposed under subsection (a).

(i) A person may not use special fuel on an Indiana public highway if the special fuel contains a sulfur content that exceeds five one-hundredths of one percent (0.05%). A person who knowingly:

(1) violates; or

(2) aids or abets another person to violate;

this subsection commits a Class A infraction. However, the violation is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a Class D felony if the person has committed more than one (1) unrelated violation of this subsection.".

Delete page 8.

Page 9, delete line 1.

Page 9, between lines 16 and 17, begin a new paragraph and insert:

"**(f) "Diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.**".

Page 9, line 17, delete "(f)" and insert "**(g)**".

Page 9, line 20, delete "(g)" and insert "**(h)**".

Page 9, line 23, delete "(h)" and insert "**(i)**".

Page 9, line 26, delete "(i)" and insert "**(j)**".

Page 9, line 27, delete "(j)" and insert "**(k)**".

Page 9, line 28, delete "(k)" and insert "**(l)**".

Page 9, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 12. IC 6-6-4.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this tax is **determined as follows:**

(1) When imposed upon the consumption of gasoline or special fuel (other than a special fuel that is an alternative fuel), the tax rate is the same rate per gallon as the rate per gallon at which special fuel is taxed under IC 6-6-2.5.

(2) When imposed upon the consumption of a special fuel that is an alternative fuel, the tax rate is either of the following:

(A) The same rate per diesel gallon equivalent as the rate

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per gallon at which special fuel is taxed under IC 6-6-2.5, in the case of liquid natural gas.

(B) The same rate per gasoline gallon equivalent at which special fuel is taxed under IC 6-6-2.5, in the case of compressed natural gas or an alternative fuel commonly or commercially known or sold as butane or propane.

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(b) The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana and upon which the carrier has not paid tax imposed under IC 6-6-1.1 or IC 6-6-2.5.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of the equipment, as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 13. IC 6-6-4.1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) A surcharge tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this surcharge tax is eleven cents ($0.11) per:

(1) gallon **of gasoline or special fuel (other than natural gas or an alternative fuel commonly or commercially known or sold as butane or propane);**

(2) diesel gallon equivalent of a special fuel that is liquid natural gas; or

(3) gasoline gallon equivalent of a special fuel that is compressed natural gas or an alternative fuel commonly or commercially known or sold as butane or propane.

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

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(b) The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of this equipment as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 14. IC 6-6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 12. Road Tax Credit

Sec. 1. This chapter applies to a carrier taxed on the consumption of motor fuel under IC 6-6-4.1.

Sec. 2. This chapter applies to road taxes paid in a state fiscal year beginning after June 30, 2013.

Sec. 3. As used in this chapter, "carrier" has the meaning set forth in IC 6-6-4.1-1(a).

Sec. 4. As used in this chapter, "road tax" means any of the following:

(1) The gasoline tax (IC 6-6-1.1).

(2) The special fuel tax (IC 6-6-2.5).

(3) The motor carrier fuel tax (IC 6-6-4.1).

Sec. 5. A carrier that consumes compressed natural gas to propel a vehicle described in IC 6-6-4.1-2(a) may claim a credit against the road taxes imposed upon the carrier's consumption of compressed natural gas in the previous state fiscal year.

Sec. 6. The amount of a credit allowed under this chapter is equal to twelve percent (12%) of the road taxes imposed upon the carrier's consumption of compressed natural gas in the previous state fiscal year.

Sec. 7. A carrier must claim the credit on a form and in the

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manner prescribed by the department of state revenue.

Sec. 8. A credit allowed under this chapter is refundable. Credits refunded under this section are payable from the motor vehicle highway account established under IC 8-14-1.

Sec. 9. A person who knowingly makes a false statement or knowingly presents a fraudulent receipt for the payment of a road tax for the purpose of:

(1) obtaining;

(2) attempting to obtain; or

(3) assisting any other person to obtain or attempt to obtain; a credit under this chapter commits a Class C infraction.".

Delete page 10.

Page 11, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1324 as printed February 18, 2013.)

FRYE R

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is made to House Bill 1324 as printed February 21, 2013.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 1.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1324, 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:

Page 1, line 4, delete "IC 6-6-4.1-1(i)" and insert "**IC 6-6-4.1-1(h)**".

Page 1, delete lines 6 through 17, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply to a transaction in which alternative fuel is purchased and placed into the fuel supply tank of a motor vehicle.**

SECTION 3. IC 6-2.5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 7.5. Collection and Remittance of State Gross Retail Tax on Alternative Fuel

Sec. 1. This chapter applies to alternative fuel placed into the fuel supply tank of a motor vehicle or otherwise used to power a motor vehicle after June 30, 2013.

Sec. 2. As used in this chapter, "alternative fuel" refers to the following:

(1) A motor fuel defined as an alternative fuel by IC 6-6-2.5-1.

(2) Hydrogen.

(3) Coal-derived liquid fuels.

(4) Non-alcohol fuels derived from biological material.

(5) P-Series fuels.

Sec. 3. As used in this chapter, "DGE" means diesel gallon equivalent.

Sec. 4. As used in this chapter, "diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.

Sec. 5. As used in this chapter, "federal excise tax" means the excise tax, if any, imposed under Section 4041 of the Internal Revenue Code on an alternative fuel.

Sec. 6. As used in this chapter, "Indiana alternative fuel tax" means the excise tax imposed under IC 6-6-12.

Sec. 7. As used in this chapter, "price per DGE before the addition of state and federal taxes" means an amount that equals the remainder of:

(1) the total price per DGE; minus

(2) the state gross retail taxes, the Indiana alternative fuel

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taxes, and the federal excise taxes that are part of the total price per DGE.

Sec. 8. As used in this chapter, "truck" means a motor vehicle that is predominantly used to provide public transportation for persons or property.

Sec. 9. (a) Except as provided in subsection (b), a retail merchant shall collect for each unit of alternative fuel sold and dispensed from a metered pump state gross retail tax in an amount equal to the product, rounded to the nearest one-tenth of one cent ($0.001), of:

(1) the price per DGE before the addition of state and federal taxes; multiplied by

(2) seven percent (7%).

(b) Unless an exemption certificate is provided in accordance with IC 6-2.5-8-8, a retail merchant shall collect the state gross retail tax prescribed in this section even if the transaction is exempt from taxation under IC 6-2.5-5.

Sec. 10. (a) If the state gross retail tax is collected on a sale of alternative fuel that is exempt from the state gross retail tax, the person who pays the tax to the retail merchant may file a claim for refund with the department. The person must file the claim on the form, in the manner, and with the supporting documentation, prescribed by the department. If a person properly files a claim for refund, the department shall refund to the person the state gross retail tax collected with respect to the exempt transaction.

(b) Notwithstanding the other provisions of this section, the department may prescribe simplified procedures to make adjustments for exempt transactions.

Sec. 11. Except as provided in section 12 of this chapter, a retail merchant who uses a metered pump to dispense alternative fuel into the fuel supply tank of a motor vehicle shall display on the pump the total price per DGE of the alternative fuel. Subject to section 12 of this chapter, a retail merchant may not advertise alternative fuel at a price that is different from the price that the retail merchant is required to display on the metered pump.

Sec. 12. (a) A retail merchant may designate any metered pump at a business location that dispenses alternative fuel as being "for trucks only". To do this, a retail merchant must place on the pump a sign that states that alternative fuel dispensed from the metered pump may be placed only in the fuel supply tank of a truck. A sign that reads "TRUCKS ONLY" is sufficient to meet the requirements of this subsection.

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(b) A retail merchant may not dispense alternative fuel from a metered pump that is designated for trucks only into the fuel supply tank of a vehicle that is not a truck.

(c) A retail merchant is not required to display on a metered pump the total price per DGE of the alternative fuel dispensed from the metered pump if the metered pump is designated for trucks only.

(d) A retail merchant may advertise alternative fuel at a price that does not include gross retail taxes that may be due on the sale of the alternative fuel only if the retail merchant maintains a metered pump that is designated for trucks only. If a retail merchant advertises alternative fuel at a price that does not include any gross retail taxes that may be due on the sale of the alternative fuel, the retail merchant must display in easily read lettering above or below the advertised price the words "EXEMPT TRUCKS ONLY".

Sec. 13. Each retail merchant who dispenses alternative fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

(1) The total number of DGEs of alternative fuel sold from the metered pump during the period covered by the report.

(2) The total amount of money received by the retail merchant from the sale of alternative fuel described in subdivision (1) during the period covered by the report.

(3) That portion of the amount described in subdivision (2) that represents state and federal taxes imposed under this article, IC 6-6-12, or Section 4041 of the Internal Revenue Code.

SECTION 4. IC 6-2.5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in IC 6-2.5-7 **or IC 6-2.5-7.5,** a person who:

(1) displays an advertised price, marked price, or publicly stated price that includes the state gross retail or use taxes;

(2) offers to assume or absorb part of a customer's state gross retail or use tax on a sale; or

(3) offers to refund part of a customer's state gross retail or use tax as a part of a sale;

commits a Class B infraction.

(b) A retail merchant who:

(1) uses a metered pump to dispense gasoline or special fuel;

(2) is required to display on the pump the total price per unit of the gasoline or special fuel under IC 6-2.5-7-2; and

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(3) advertises the gasoline or special fuel at a price other than that required by IC 6-2.5-7-2;

commits a Class B infraction.

(c) A retail merchant who:

(1) uses a metered pump to dispense alternative fuel into the fuel supply tank of a motor vehicle;

(2) is required to display on the pump the total price per unit of the alternative fuel under IC 6-2.5-7.5-11; and

(3) advertises the alternative fuel at a price other than that required by IC 6-2.5-7.5-11;

commits a Class B infraction.".

Delete pages 2 through 5.

Page 6, delete lines 1 through 40.

Page 7, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 7. IC 6-6-2.5-1, AS AMENDED BY P.L.122-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas, **a** compressed natural gas product, ~~or~~ a combination of liquefied petroleum gas and a compressed natural gas product, not including a biodiesel fuel or biodiesel blend, **or a liquid natural gas** used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, ~~or~~ compressed natural gas, **or liquid natural gas.**

SECTION 8. IC 6-6-4.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter:

(a) "Carrier" means a person who operates or causes to be operated a commercial motor vehicle on any highway in Indiana.

(b) "Commercial motor vehicle" means a vehicle which is listed in section 2(a) of this chapter and which is not excluded from the application of this chapter under section 2(b) of this chapter.

(c) "Commissioner" means the commissioner of the Indiana department of state revenue.

(d) "Declared gross weight" means the weight at which a motor vehicle is registered with:

(1) the bureau of motor vehicles; or

(2) a state other than Indiana.

(e) "Department" means the Indiana department of state revenue.

(f) "Diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.

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~~(f)~~ **(g)** "Highway" means the entire width between the boundary lines of every publicly maintained way that is open in any part to the use of the public for purposes of vehicular travel.

~~(g)~~ **(h)** "Motor fuel" means gasoline (as defined in IC 6-6-1.1), special fuel (as defined in IC 6-6-2.5), and alternative fuel (as defined in ~~IC 6-6-2.5).~~ **IC 6-2.5-7.5-2).**

~~(h)~~ **(i)** "Quarter" means calendar quarter.

~~(i)~~ **(j)** "Motor vehicle" has the meaning set forth in IC 6-6-1.1-103.

~~(j)~~ **(k)** "Recreational vehicle" means motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure. A vehicle is not a recreational vehicle if the vehicle is used in connection with a business.

SECTION 9. IC 6-6-4.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this tax is **determined as follows:**

(1) When imposed upon the consumption of gasoline or special fuel (other than a special fuel that is an alternative fuel), the tax rate is the same rate per gallon as the rate per gallon at which special fuel is taxed under IC 6-6-2.5.

(2) When imposed upon the consumption of a special fuel that is an alternative fuel, the tax rate is the same rate per diesel gallon equivalent as the rate per gallon at which special fuel is taxed under IC 6-6-2.5.

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(b) The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana and upon which the carrier has not paid tax imposed under IC 6-6-1.1 or IC 6-6-2.5.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of the equipment, as determined by rule of

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the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 10. IC 6-6-4.1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) A surcharge tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this surcharge tax is:

(1) eleven cents ($0.11) per gallon **of gasoline or special fuel (other than a special fuel that is an alternative fuel); or**

(2) eleven cents ($0.11) per diesel gallon equivalent of a special fuel that is an alternative fuel.

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(b) The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of this equipment as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 11. IC 6-6-4.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A carrier is entitled to a credit against the tax imposed under section 4 of this chapter if the carrier, or a lessor operating under the carrier's annual permit, has:

(1) paid the tax imposed under IC 6-6-1.1, ~~or~~ IC 6-6-2.5, **or IC 6-6-12** on motor fuel purchased in Indiana;

(2) consumed the motor fuel outside Indiana; and

(3) paid a gasoline, special fuel, **alternative fuel,** or road tax with respect to the fuel in one (1) or more other states or jurisdictions.

(b) The amount of credit for a quarter is equal to the tax paid under

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IC 6-6-1.1, ~~and~~ IC 6-6-2.5, **and IC 6-6-12** on motor fuel that:

(1) was purchased in Indiana;

(2) was consumed outside Indiana; and

(3) with respect to which the carrier paid a gasoline, special fuel, **alternative fuel,** or road tax to another state or jurisdiction.

(c) To qualify for the credit, the carrier shall submit any evidence required by the department of payment of the tax imposed under IC 6-6-1.1, ~~or~~ IC 6-6-2.5, **or IC 6-6-12.**

(d) A credit earned by a carrier in a particular quarter shall be applied against the carrier's tax liability under this chapter for that quarter before any credit carryover is applied against that liability under section 7 of this chapter.

SECTION 12. IC 6-6-4.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) As used in this section, the credit of a carrier for any quarter is the amount by which the credit to which the carrier is entitled under section 6 of this chapter for that quarter exceeds the tax liability of the carrier under section 4 of this chapter for that quarter.

(b) The credit for any quarter shall be allowed as a credit against the tax for which the carrier would otherwise be liable in the quarter in which the credit accrued.

(c) A carrier is entitled to the refund of any credit not previously used to offset a tax liability or for any erroneously paid tax or penalty. To obtain the refund, the carrier shall submit to the department a properly completed application in accordance with rules adopted by the department under IC 4-22-2. The application must be submitted within three (3) years after the end of:

(1) the quarter in which the credit accrued; or

(2) the calendar year that contains the taxable period in which the tax or penalty was erroneously paid.

Along with the application, the carrier shall submit any evidence required by the department and any reports required by the department under this chapter.

(d) The department shall pay interest on any part of a refund that is not made within ninety (90) days after the date on which all of the following have been completed:

(1) The filing of:

(A) the properly completed application for refund; or

(B) the quarterly return on which a refund is claimed.

(2) The submission of any evidence required by the department of payment of the tax imposed under IC 6-6-1.1, ~~or~~ IC 6-6-2.5, **or IC 6-6-12.**

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(3) The submission of reports required by the department under this chapter.

(4) The furnishing of a surety bond, letter of credit, or cash deposit under section 8 of this chapter.

(e) The department shall pay interest at the rate established under IC 6-8.1-9 from the date of:

(1) the refund application;

(2) the due date of a timely filed quarterly return on which a refund is claimed; or

(3) the filing date of a quarterly return on which a refund is claimed, if the quarterly refund is filed after the due date of the quarterly return;

to a date determined by the department that does not precede the date on which the refund is made by more than thirty (30) days.

SECTION 13. IC 6-6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 12. Excise Tax on Alternative Fuel Used as Motor Fuel

Sec. 1. This chapter applies to alternative fuel placed into the fuel supply tank of a motor vehicle after June 30, 2013.

Sec. 2. As used in this chapter, "alternative fuel" has the meaning set forth in IC 6-2.5-7.5-2.

Sec. 3. As used in this chapter, "alternative fuel tax" refers to the excise tax imposed by section 10 of this chapter.

Sec. 4. As used in this chapter, "department" refers to the department of state revenue.

Sec. 5. As used in this chapter, "DGE" means diesel gallon equivalent.

Sec. 6. As used in this chapter, "diesel gallon equivalent" means the amount of an alternative fuel that produces the same number of British thermal units of energy as a gallon of diesel fuel.

Sec. 7. As used in this chapter, "motor vehicle" means a vehicle designed principally for road use and that is propelled by an internal combustion engine or motor.

Sec. 8. As used in this chapter, "person" means a natural person, a partnership, a firm, an association, a corporation, a representative appointed by a court, the state, a political subdivision (as defined in IC 36-1-2-13), or any other entity, group, or syndicate.

Sec. 9. As used in this chapter, "retailer" means a person that engages in the business of selling or distributing alternative fuel as a motor fuel to the end user within Indiana.

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Sec. 10. An excise tax of sixteen cents ($0.16) per DGE is imposed on the use of alternative fuel as a motor fuel. A retailer shall add the per DGE amount of tax to the selling price of each DGE of alternative fuel sold by the retailer so that the consumer bears the burden of the tax.

Sec. 11. (a) The following are exempt from the alternative fuel tax:

(1) Alternative fuel placed into the fuel supply tank of a motor vehicle owned by the United States or an agency or instrumentality of the United States.

(2) Alternative fuel sold to a public transportation corporation established under IC 36-9-4 and used for the transportation of persons for compensation within the territory of the corporation.

(3) Alternative fuel sold to a public transit department of a municipality and used for the transportation of persons for compensation within a service area, no part of which is more than five (5) miles outside the corporate limits of the municipality.

(4) Alternative fuel sold to a common carrier of passengers, including a business operating a taxicab (as defined in IC 6-6-1.1-103(l)) and used by the carrier to transport passengers within a service area that is not larger than one (1) county, and counties contiguous to that county.

(5) The part of alternative fuel determined by the department to have been used to operate equipment attached to a motor vehicle, if the alternative fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment.

(b) A person claiming a tax exemption under subsection (a)(2) through (a)(5) must apply for a tax refund through the refund procedures established in section 12 of this chapter.

Sec. 12. (a) Alternative fuel tax collected by a retailer on alternative fuel used for an exempt purpose shall be refunded by the department to the user or the user's assignee under rules adopted by the department upon presentation of proof of exempt use by the user in the form that the department prescribes.

(b) Alternative fuel tax that has been erroneously paid by a person shall be refunded by the department in accordance with subsection (c).

(c) To claim a refund under subsection (a) or (b), a person must present to the department a statement that contains a written

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verification that the claim is made under penalties of perjury and lists the total amount of alternative fuel purchased and used for exempt purposes. The claim must be filed not more than three (3) years after the date the alternative fuel is purchased. The statement must show that payment for the purchase has been made and that the amount of tax paid on the purchase has been remitted.

(d) The department may make any investigations the department considers necessary before refunding the excise tax to a person.

Sec. 13. (a) A person that pays the alternative fuel tax on the use of alternative fuel in the operation of an intercity bus (as defined in IC 9-13-2-83) is entitled to a refund of the tax without interest if the person has:

(1) consumed the alternative fuel outside Indiana;

(2) paid an alternative fuel tax or highway use tax for the alternative fuel in at least one (1) state or other jurisdiction outside Indiana; and

(3) complied with subsection (b).

(b) To qualify for a refund under this section, a person must submit to the department a claim for a refund, in the form prescribed by the department, that includes the following information:

(1) Any evidence requested by the department of the following:

(A) Payment of the alternative fuel tax.

(B) Payment of taxes in another state or jurisdiction outside Indiana.

(2) Any other information reasonably requested by the department.

Sec. 14. If the department does not issue a refund not later than ninety (90) days after the department receives a claim for the refund under section 12 of this chapter, the department shall pay the claimant interest at the rate established under IC 6-8.1-9 from a date that is ninety (90) days after the date that the department receives the claim for refund and all necessary documentation, until a date that is determined by the department but that does not precede by more than thirty (30) days the date on which the refund is made.

Sec. 15. Except as provided in section 17 of this chapter, a retailer shall remit the alternative fuel taxes imposed on transactions that occur during a particular calendar month to the department before the sixteenth day of the following calendar

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month.

Sec. 16. A retailer required to remit alternative fuel taxes shall remit the taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7).

Sec. 17. A retailer who properly remits alternative fuel taxes shall be allowed to retain one and six-tenths percent (1.6%) of the taxes to cover the costs of collecting, reporting, and timely remitting alternative fuel taxes.

Sec. 18. The alternative fuel taxes a retailer collects on the sale of alternative fuel used as motor fuel belong to the state. Except as provided in section 17 of this chapter, a retailer shall hold the money in trust for the state and for payment to the department. In the case of a corporation or partnership, each officer, employee, or member of the employer who is in that capacity is under a duty to collect the tax, and is personally liable for the tax, penalty, and interest.

Sec. 19. (a) A person who knowingly fails to collect or timely remit tax otherwise required to be paid to the department under section 15 of this chapter is liable for the uncollected tax plus a penalty equal to one hundred percent (100%) of the uncollected tax.

(b) A person who recklessly, knowingly, or intentionally fails or refuses to pay over to the state alternative fuel taxes at the time required by this chapter or who fraudulently withholds, appropriates, or otherwise uses the money or any part thereof belonging to the state commits a Class D felony.

(c) A person who negligently disregards any provision of this chapter is subject to a civil penalty of five hundred dollars ($500) for each separate occurrence of negligent disregard as determined by the department.

Sec. 20. The alternative fuel tax is a listed tax for purposes of IC 6-8.1.

Sec. 21. The department shall transfer alternative fuel taxes collected under this chapter to the treasurer of state for deposit as follows:

(1) Twenty-five percent (25%) must be deposited in the highway, road and street fund established under IC 8-14-2-2.1.

(2) The remainder must be deposited in the motor fuel tax fund of the motor vehicle highway account for:

(A) the payment of refunds due under this chapter; and

(B) the transfer of any remaining amounts to the motor

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vehicle highway account for distribution as provided by law.

SECTION 14. IC 6-8.1-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6); **the alternative fuel tax (IC 6-6-12);** the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation improvement income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 15. IC 8-14-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.1. The auditor shall create a special fund to be known as the "Highway, Road and Street Fund" for the deposit of the revenues from:

(1) the gasoline and special fuel taxes dedicated to the fund under IC 6-6-1.1-802 and IC 6-6-2.5; ~~and~~

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(2) the increases in fees levied under IC 9-29-4, IC 9-29-5, IC 9-29-9, and IC 9-29-11, which increases are attributable to Acts 1969, Chapter 321, SECTION 1; **and**

(3) the road impact fees deposited in the fund under IC 9-29-17-10.

SECTION 16. IC 9-13-2-49.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 49.4. "Battery powered motor vehicle", for purposes of IC 9-29-17, has the meaning set forth in IC 9-29-17-2.**

SECTION 17. IC 9-29-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 17. Road Impact Fees

Sec. 1. This chapter applies to annual motor vehicle registrations occurring after December 31, 2013.

Sec. 2. As used in this chapter, "battery powered motor vehicle" refers to:

(1) a motor vehicle designed to be operated for at least thirty-five (35) miles without requiring the assistance of an internal combustion engine; and

(2) a motor vehicle that draws propulsion energy from onboard sources of stored energy, which may include both:

(A) an internal combustion or heat engine using consumable fuel; and

(B) a rechargeable energy storage system.

The term includes any motor vehicle commonly referred to as a "plug in", "plug in hybrid", or "hybrid" vehicle.

Sec. 3. (a) The owner of a battery powered motor vehicle that is registered in Indiana shall pay an annual road impact fee.

(b) Except as provided in subsection (c), the amount of the fee is prescribed by the following schedule:

SCHEDULE

Motor Vehicle	Annual Fee
A passenger motor vehicle.	$100
A truck, van, recreational vehicle, or bus, having a declared gross weight of not more than 9,000 pounds.	$200
A truck, van, recreational vehicle, or bus, having a declared gross weight greater than 9,000 pounds, but not more than 11,000 pounds..	$250

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A truck, van, recreational vehicle, or bus, having a declared gross weight greater than 11,000 pounds.. . . . . $300
A tractor, designed to be used with a semitrailer. $500

(c) This subsection applies to a battery powered motor vehicle that is base-registered in Indiana under the terms of the International Registration Plan. The annual fee imposed under this section on the motor vehicle is equal to:

(1) the amount of the fee prescribed for the motor vehicle by the schedule set forth in subsection (b); multiplied by

(2) a percentage equal to the percentage of the owner's registration fee for the motor vehicle that is apportioned to Indiana under the International Registration Plan.

Sec. 4. (a) Except as provided in subsection (b), the annual fee imposed under section 3 of this chapter is due on or before the regular annual registration date in each year that the owner of the battery powered motor vehicle is required under the motor vehicle registration laws of Indiana to register vehicles.

(b) This subsection applies to a battery powered motor vehicle that is base-registered in Indiana under the terms of the International Registration Plan. The annual fee imposed under section 3 of this chapter is due on or before the regular annual registration date in each year that the owner of the battery powered motor vehicle is required to register the motor vehicle under the terms of the International Registration Plan.

Sec. 5. Payment of the road impact fee imposed under section 3 of this chapter is a condition to the right to register or reregister a battery powered motor vehicle. The fee is in addition to all other conditions, taxes, and fees prescribed by law.

Sec. 6. The bureau may accept a voucher from the department of state revenue showing payment of the road impact fee imposed under section 4(b) of this chapter instead of a payment under section 4(a) of this chapter.

Sec. 7. The annual fee imposed under section 3 of this chapter must be reduced proportionately on a monthly basis if:

(1) the battery powered motor vehicle is registered in a calendar month following the month in which:

(A) the owner's annual registration date occurs; or

(B) the owner is required to register motor vehicles under the International Registration Plan; and

(2) the motor vehicle is newly:

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(A) converted to battery power;
(B) purchased; or
(C) registered in Indiana.

Sec. 8. (a) A person is entitled to a refund of a fee paid under section 4 of this chapter if the battery powered motor vehicle is sold or destroyed before the person's registration year elapses. Subject to subsection (b), the amount of the refund is equal to:

(1) the amount of the fee paid; multiplied by

(2) a fraction. The numerator of the fraction is the number of full calendar months occurring after the date of the sale or destruction of the battery powered motor vehicle and before the date on which the person would have been required to reregister the battery powered motor vehicle. The denominator of the fraction is twelve (12).

(b) The amount of a refund determined under subsection (a) must be rounded upward to the next full dollar amount.

Sec. 9. The bureau shall transfer fees collected under this chapter to the department of state revenue for deposit in the highway, road and street fund created under IC 8-14-2-2.1.

Sec. 10. The department of state revenue shall deposit any fees:

(1) received from the bureau under section 6 of this chapter; or

(2) collected under section 4(b) of this chapter;

in the highway, road and street fund created under IC 8-14-2-2.1.

SECTION 18. IC 35-51-6-1, AS AMENDED BY P.L.6-2012, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 6:

IC 6-1.1-5.5-10 (Concerning sales disclosure forms).

IC 6-1.1-37-1 (Concerning officers of the state or local government).

IC 6-1.1-37-2 (Concerning officials or representatives of the department of local government).

IC 6-1.1-37-3 (Concerning property tax returns, statements, or documents).

IC 6-1.1-37-4 (Concerning property tax deductions).

IC 6-1.1-37-5 (Concerning false statements on a report or application).

IC 6-1.1-37-6 (Concerning general assessments).

IC 6-2.3-5.5-12 (Concerning utility taxes).

IC 6-2.3-7-1 (Concerning taxes).

IC 6-2.3-7-2 (Concerning taxes).

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IC 6-2.3-7-3 (Concerning taxes).
IC 6-2.3-7-4 (Concerning taxes).
IC 6-2.5-9-1 (Concerning taxes).
IC 6-2.5-9-2 (Concerning taxes).
IC 6-2.5-9-3 (Concerning taxes).
IC 6-2.5-9-6 (Concerning taxes).
IC 6-2.5-9-7 (Concerning retail sales).
IC 6-2.5-9-8 (Concerning taxes).
IC 6-3-3-9 (Concerning taxes).
IC 6-3-4-8 (Concerning taxes).
IC 6-3-6-10 (Concerning taxes).
IC 6-3-6-11 (Concerning taxes).
IC 6-3-7-5 (Concerning taxes).
IC 6-3.5-4-16 (Concerning taxes).
IC 6-4.1-12-12 (Concerning taxes).
IC 6-5.5-7-3 (Concerning taxes).
IC 6-5.5-7-4 (Concerning taxes).
IC 6-6-1.1-1307 (Concerning taxes).
IC 6-6-1.1-1308 (Concerning taxes).
IC 6-6-1.1-1309 (Concerning taxes).
IC 6-6-1.1-1310 (Concerning taxes).
IC 6-6-1.1-1311 (Concerning taxes).
IC 6-6-1.1-1312 (Concerning taxes).
IC 6-6-1.1-1313 (Concerning taxes).
IC 6-6-1.1-1316 (Concerning taxes).
IC 6-6-2.5-28 (Concerning taxes).
IC 6-6-2.5-40 (Concerning fuel).
IC 6-6-2.5-56.5 (Concerning fuel).
IC 6-6-2.5-62 (Concerning fuel).
IC 6-6-2.5-63 (Concerning taxes).
IC 6-6-2.5-71 (Concerning taxes).
IC 6-6-5-11 (Concerning taxes).
IC 6-6-5.1-25 (Concerning taxes).
IC 6-6-6-10 (Concerning taxes).
IC 6-6-11-27 (Concerning taxes).
IC 6-6-12-19 (Concerning alternative fuel taxes).
IC 6-7-1-15 (Concerning tobacco taxes).
IC 6-7-1-21 (Concerning tobacco taxes).
IC 6-7-1-22 (Concerning tobacco taxes).
IC 6-7-1-23 (Concerning tobacco taxes).
IC 6-7-1-24 (Concerning tobacco taxes).
IC 6-7-1-36 (Concerning tobacco taxes).

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IC 6-7-2-18 (Concerning tobacco taxes).
IC 6-7-2-19 (Concerning tobacco taxes).
IC 6-7-2-20 (Concerning tobacco taxes).
IC 6-7-2-21 (Concerning tobacco taxes).
IC 6-8-1-19 (Concerning petroleum severance taxes).
IC 6-8-1-23 (Concerning petroleum severance taxes).
IC 6-8-1-24 (Concerning petroleum severance taxes).
IC 6-8.1-3-21.2 (Concerning taxes).
IC 6-8.1-7-3 (Concerning taxes).
IC 6-8.1-8-2 (Concerning taxes).
IC 6-8.1-10-4 (Concerning taxes).
IC 6-9-2-5 (Concerning innkeeper's taxes).
IC 6-9-2.5-8 (Concerning innkeeper's taxes).
IC 6-9-4-8 (Concerning innkeeper's taxes).
IC 6-9-6-8 (Concerning innkeeper's taxes).
IC 6-9-7-8 (Concerning innkeeper's taxes).
IC 6-9-10-8 (Concerning innkeeper's taxes).
IC 6-9-10.5-12 (Concerning innkeeper's taxes).
IC 6-9-11-8 (Concerning innkeeper's taxes).
IC 6-9-14-8 (Concerning innkeeper's taxes).
IC 6-9-15-8 (Concerning innkeeper's taxes).
IC 6-9-16-8 (Concerning innkeeper's taxes).
IC 6-9-17-8 (Concerning innkeeper's taxes).
IC 6-9-18-8 (Concerning innkeeper's taxes).
IC 6-9-19-8 (Concerning innkeeper's taxes).
IC 6-9-29-2 (Concerning innkeeper's taxes).
IC 6-9-32-8 (Concerning innkeeper's taxes).
IC 6-9-37-8 (Concerning innkeeper's taxes).".

Delete pages 8 though 14.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1324 as reprinted February 21, 2013.)

HERSHMAN, Chairperson

Committee Vote: Yeas 12, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1324 be amended to read as follows:

Page 13, line 33, delete "9-29-17-10." and insert "**9-29-18-10.**".

Page 13, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 15. IC 9-20-4-1, AS AMENDED BY P.L.65-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in subsections (b) and (c), a person may not operate or cause to be operated upon an Indiana highway a vehicle or combination of vehicles having weight in excess of one (1) or more of the following limitations:

(1) The total gross weight, with load, in pounds of any vehicle or combination of vehicles may not exceed an overall gross weight on a group of two (2) or more consecutive axles produced by application of the following formula:

$$W = 500 \{ [(LN) \div (N-1)] + 12N + 36 \}$$

where W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration, except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more. The overall gross weight limit, calculated under this subdivision, may not exceed eighty thousand (80,000) pounds.

(2) The weight concentrated on the roadway surface from any tandem axle group may not exceed the following:

(A) Thirty-four thousand (34,000) pounds total weight.

(B) Twenty thousand (20,000) pounds on an individual axle in a tandem group.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim or an axle weight in excess of twenty thousand (20,000) pounds.

(b) The enforcement of weight limits under this section is subject to the following:

(1) It is lawful to operate within the scope of a permit, under weight limitations established by the Indiana department of transportation and in effect on July 1, 1956, as provided in

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IC 9-20-6.

(2) It is lawful to operate or cause to be operated a vehicle or combination of vehicles on a heavy duty highway or an extra heavy duty highway designated by the Indiana department of transportation if operated within the imposed limitations.

(3) Subsection (a) does not apply to any highway, road, street, or bridge for which a lesser weight limit is imposed by local authorities under IC 9-20-1-4 or IC 9-20-7-2. However, the local authority may by appropriate action establish and designate a county or city highway, road, or street or part of a highway, road, or street as a heavy duty highway subject to the weight limitations established under IC 9-20-5.

(4) Vehicles operated on toll road facilities are subject to rules of weight adopted for toll road facilities by the Indiana department of transportation under IC 8-15-2 and are not subject to subsection (a) when operated on a toll road facility.

(5) For purposes of a heavy duty vehicle that is equipped with an auxiliary power unit, the weight limitations provided in subsection (a) are increased by four hundred (400) pounds.

(6) For purposes of a vehicle that uses natural gas as a motor fuel, the weight limitations provided in subsection (a) are increased by two thousand (2,000) pounds.

(c) The greater of the weight limits imposed under subsection (a) or this subsection applies to vehicles operated upon an Indiana highway. The weight limits in effect on January 4, 1975, for any highway that is not designated as a heavy duty highway under IC 9-20-5 are the following:

(1) The total gross weight, with load, in pounds of a vehicle or combination of vehicles may not exceed seventy-three thousand two hundred eighty (73,280) pounds.

(2) The total weight concentrated on the roadway surface from a tandem axle group may not exceed sixteen thousand (16,000) pounds for each axle of a tandem assembly.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim, or an axle weight greater than eighteen thousand (18,000) pounds.".

Page 13, line 39, delete "IC 9-29-17" and insert "9-29-18".

Page 13, line 42, delete "**17.**" and insert "**18.**".

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Page 16, line 19, after "government" delete "))." and insert "**finance).**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1324 as printed April 5, 2013.)

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