

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

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

- 1 Page 1, line 4, delete "IC 6-6-4.1-1(h)." and insert
2 "**IC 6-6-4.1-1(i).**"
3 Page 3, line 23, delete "A" and insert "**Except as provided in**
4 **subsection (c), a**".
5 Page 3, between lines 28 and 29, begin a new paragraph and insert:
6 "**(c) Subsection (b) does not apply to transactions involving**
7 **alternative fuel purchased by a public transportation corporation**
8 **to fuel a motor vehicle used to provide public transportation for**
9 **persons.**"
10 Page 7, delete lines 28 through 42, begin a new paragraph and
11 insert:
12 "**SECTION 9. IC 6-6-2.5-28, AS AMENDED BY P.L.33-2007,**
13 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
14 **JULY 1, 2013]: Sec. 28. (a) A license tax of sixteen cents (\$0.16) per:**
15 **(1) gallon;**
16 **(2) diesel gallon equivalent (as defined by IC 6-6-4.1-1(f)), in**
17 **the case of a special fuel that is liquid natural gas; or**
18 **(3) gasoline gallon equivalent (as defined by IC 6-6-4.1-1(g)),**
19 **in the case of a special fuel that is compressed natural gas or**
20 **a fuel commonly or commercially known or sold as butane or**
21 **propane;**

1 is imposed on all special fuel sold or used in producing or generating
2 power for propelling motor vehicles except fuel used under section
3 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in
4 the manner, and by those persons specified in this section and section
5 35 of this chapter.

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

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

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

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

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

36 (g) A person that engages in blending fuel for taxable sale or use in
37 Indiana is primarily liable for the collection and remittance of the tax
38 imposed under subsection (a). The person shall remit the tax due in
39 conjunction with the filing of a monthly report in the form prescribed
40 by the department.

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

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

- 1 (1) violates; or
 2 (2) aids or abets another person to violate;
 3 this subsection commits a Class A infraction. However, the violation
 4 is a Class A misdemeanor if the person has committed one (1) prior
 5 unrelated violation of this subsection, and a Class D felony if the
 6 person has committed more than one (1) unrelated violation of this
 7 subsection."
- 8 Delete page 8.
 9 Page 9, delete line 1.
 10 Page 9, between lines 16 and 17, begin a new paragraph and insert:
 11 **"(f) "Diesel gallon equivalent" means the amount of an**
 12 **alternative fuel that produces the same number of British thermal**
 13 **units of energy as a gallon of diesel fuel."**
- 14 Page 9, line 17, delete "(f)" and insert "(g)".
 15 Page 9, line 20, delete "(g)" and insert "(h)".
 16 Page 9, line 23, delete "(h)" and insert "(i)".
 17 Page 9, line 26, delete "(i)" and insert "(j)".
 18 Page 9, line 27, delete "(j)" and insert "(k)".
 19 Page 9, line 28, delete "(k)" and insert "(l)".
 20 Page 9, delete lines 32 through 42, begin a new paragraph and
 21 insert:
 22 "SECTION 12. IC 6-6-4.1-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A tax is imposed
 24 on the consumption of motor fuel by a carrier in its operations on
 25 highways in Indiana. The rate of this tax is **determined as follows:**
 26 **(1) When imposed upon the consumption of gasoline or**
 27 **special fuel (other than a special fuel that is an alternative**
 28 **fuel), the tax rate is the same rate per gallon as the rate per**
 29 **gallon at which special fuel is taxed under IC 6-6-2.5.**
 30 **(2) When imposed upon the consumption of a special fuel that**
 31 **is an alternative fuel, the tax rate is either of the following:**
 32 **(A) The same rate per diesel gallon equivalent as the rate**
 33 **per gallon at which special fuel is taxed under IC 6-6-2.5,**
 34 **in the case of liquid natural gas.**
 35 **(B) The same rate per gasoline gallon equivalent at which**
 36 **special fuel is taxed under IC 6-6-2.5, in the case of**
 37 **compressed natural gas or an alternative fuel commonly or**
 38 **commercially known or sold as butane or propane.**
 39 The tax shall be paid quarterly by the carrier to the department on or
 40 before the last day of the month immediately following the quarter.
 41 (b) The amount of motor fuel consumed by a carrier in its operations
 42 on highways in Indiana is the total amount of motor fuel consumed in
 43 its entire operations within and without Indiana, multiplied by a
 44 fraction. The numerator of the fraction is the total number of miles
 45 traveled on highways in Indiana, and the denominator of the fraction is
 46 the total number of miles traveled within and without Indiana.

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

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

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

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

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

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

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

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

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

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

- 1 Delete page 10.
- 2 Page 11, delete lines 1 through 6.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1324 as printed February 18, 2013.)

Representative Frye R