



February 8, 2013

HOUSE BILL No. 1366

DIGEST OF HB 1366 (Updated February 6, 2013 5:27 pm - DI 96)

Citations Affected: IC 8-23.

Synopsis: Highway and street pilot program. Authorizes the department of transportation to develop a pilot program to explore alternative highway and street funding methods. Provides that money in the state highway fund may be used to pay for the pilot program.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Roads and Transportation.
February 7, 2013, amended, reported — Do Pass.

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HB 1366—LS 7324/DI 103+



February 8, 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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HOUSE BILL No. 1366

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

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

1 SECTION 1. IC 8-23-9-55 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 55. Money in the state
3 highway fund shall be used for the following:

4 (1) Operation of the department, **including the development and**
5 **implementation of a highway and street funding pilot**
6 **program under IC 8-23-29.**

7 (2) Construction, reconstruction, operation, maintenance, and
8 control of the state highways that are the responsibility of the
9 department and of tollways that are the responsibility of the
10 department under IC 8-15-3.

11 SECTION 2. IC 8-23-29 IS ADDED TO THE INDIANA CODE AS
12 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]:

14 **Chapter 29. Alternative Highway and Street Funding Pilot**
15 **Program**

16 **Sec. 1. (a) The department shall develop a pilot program to**
17 **explore alternatives to the motor fuel tax for funding the highway**

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1 and street system of Indiana described in IC 8-23-4-1. A pilot
 2 program must include a program that tests technology and
 3 methods for:

- 4 (1) identifying motor vehicles;
- 5 (2) collecting and reporting the number of miles traveled by
 6 a particular vehicle; and
- 7 (3) receiving payments from participants in the pilot
 8 program;

9 including technology for a service station point of sale system.

10 (b) The pilot program developed under subsection (a) may last
 11 not more than twenty-four (24) months. The department shall
 12 report, not later than December 1, 2015, and in an electronic
 13 format under IC 5-14-6, its findings and the results of the pilot
 14 program to:

- 15 (1) the governor;
- 16 (2) the legislative council; and
- 17 (3) the budget committee.

18 Sec. 2. The department shall evaluate the technology and
 19 methods used in the pilot program under this chapter for the
 20 following:

- 21 (1) Reliability.
- 22 (2) Ease of use.
- 23 (3) Public perception.
- 24 (4) Cost of implementation and administration.
- 25 (5) Potential for evasion or avoidance of accurate reporting.
- 26 (6) Privacy and protection of personal information.

27 Sec. 3. (a) The department may solicit volunteers to participate
 28 in the pilot program under this chapter. A participant must agree
 29 to:

- 30 (1) report the participant's use of the state highway and street
 31 system as required by the department;
- 32 (2) pay any fees established under the program; and
- 33 (3) display on or in the participant's vehicle a decal or other
 34 identifying marker required under the program.

35 (b) The department may compensate a participant.

36 Sec. 4. (a) The department shall establish and impose fees for
 37 the pilot program developed under this chapter.

38 (b) A fee established under subsection (a) must be:

- 39 (1) collected from each participant in the pilot program; and
- 40 (2) based on each participant's use of the state highway and
 41 street system.

42 (c) A fee established and collected under this section is instead

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1 of any motor fuel tax otherwise imposed on and paid by a
2 participant under IC 6-6.

3 (d) The department, in conjunction with the department of state
4 revenue, shall establish a procedure by which a participant that
5 pays the motor fuel tax while participating in the pilot program
6 under this chapter may apply to the department of state revenue
7 for a refund equal to the amount of motor fuel tax actually paid by
8 the participant.

9 Sec. 5. (a) The department shall issue a decal or other
10 identifying marker for each motor vehicle registered under IC 9-18
11 to a participant in the pilot program under this chapter. The
12 participant shall display the decal or other identifying marker on
13 each motor vehicle registered under IC 9-18 to the participant
14 while participating in the pilot program.

15 (b) A participant shall return the decal or other identifying
16 marker to the department when the participant ceases to
17 participate in the pilot program.

18 Sec. 6. (a) The department may terminate the pilot program
19 under this chapter with ten (10) days notice to participants.
20 However, the department may terminate the participation of a
21 participant effective immediately upon notice to the participant.

22 (b) Upon the termination of the pilot program or a participant's
23 participation in the pilot program under this chapter, the
24 department shall collect any fees imposed under section 4 of this
25 chapter on:

- 26 (1) participants in the terminated pilot program; or
- 27 (2) the participant whose participation in the pilot program
- 28 has been terminated;

29 that remain outstanding on the date of termination.

30 Sec. 7. The department may adopt rules under IC 4-22-2 to
31 carry out its responsibilities under this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1366, 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, delete lines 32 through 42.

Delete pages 4 through 5.

and when so amended that said bill do pass.

(Reference is to HB 1366 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 12, nays 0.

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