

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 479**

**Citations Affected:** IC 6-2.5; IC 6-6-2.5; IC 6-8.1-7-1.

**Synopsis:** Use tax on gasoline. Provides a new collection procedure for imposing and collecting state gross retail and use tax on the sale of gasoline based on gallons sold and a rolling four week average retail price per gallon. Specifies that the collection point is moved to the first purchaser of gasoline from a refiner, a terminal operator, or supplier. Requires the department of state revenue to monthly determine a use tax rate per gallon using the 7% gross retail and use tax rate. Requires all reports of gasoline use tax to be filed electronically and the taxes remitted using the department's online tax system. Changes from 25% to 15% the amount the retail price of gasoline must change before a new use tax rate may be set at a time other than at the time of the monthly rate setting. Provides that if the department changes the use tax rate determined for a month because the statewide average retail price per gallon of gasoline has increased by more than 15%, the new rate may not take effect earlier than 10 days after publication of the new rate. Requires the department to publish a tax notice on its Internet web site. Requires the notice to specify the source of the data used to determine the gasoline use tax rate and the statewide average retail price per gallon of gasoline. Provides that certain licensing information may be published by the department. Establishes a truck stop owner's license. **(This conference committee report removes provisions from the House-passed version of ESB 479 (reprinted April 11, 2013) concerning obligations of remote sellers to collect and remit sales and use tax on transactions with Indiana customers. Makes technical corrections.)**

**Effective:** July 1, 2013; January 1, 2014; July 1, 2014.

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 479 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 6-2.5-3.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2014]:
- 5 **Chapter 3.5. Collection of Use Tax on Gasoline**
- 6 **Sec. 1.** As used in this chapter, "distributor" means a person
- 7 that is the first purchaser of gasoline from a refiner, terminal
- 8 operator, or supplier, regardless of the location of the purchase.
- 9 **Sec. 2.** As used in this chapter, "E85" has the meaning set forth
- 10 in IC 6-6-1.1-103.
- 11 **Sec. 3.** As used in this chapter, "federal gasoline tax" means the
- 12 excise tax imposed on gasoline under Section 4081 of the Internal
- 13 Revenue Code.
- 14 **Sec. 4.** As used in this chapter, "gasoline" has the meaning set
- 15 forth in IC 6-6-1.1-103(g).
- 16 **Sec. 5.** As used in this chapter, "Indiana gasoline tax" means the
- 17 tax imposed under IC 6-6-1.1.
- 18 **Sec. 6.** As used in this chapter, "metered pump" means a
- 19 stationary pump that is capable of metering the amount of gasoline
- 20 or special fuel dispensed from it and that is capable of
- 21 simultaneously calculating and displaying the price of the gasoline
- 22 or special fuel dispensed.

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

4           **(1) the total price per unit; minus**

5           **(2) the gasoline use tax, Indiana gasoline tax, and federal**  
 6 **gasoline taxes that are part of the total price per unit.**

7           **Sec. 8. As used in this chapter, "purchase or shipment" means**  
 8 **a sale or delivery of gasoline, but does not include:**

9           **(1) an exchange transaction between refiners, terminal**  
 10 **operators, or a refiner and terminal operator; or**

11           **(2) a delivery by pipeline, ship, or barge to a refiner or**  
 12 **terminal operator.**

13           **Sec. 9. As used in this chapter, "qualified distributor" means a**  
 14 **distributor that:**

15           **(1) is a licensed distributor under IC 6-6-1.1; and**

16           **(2) holds an uncanceled permit issued under section 17 of this**  
 17 **chapter.**

18           **Sec. 10. As used in this chapter, "refiner" means a person who**  
 19 **manufactures or produces gasoline by any process involving**  
 20 **substantially more than the blending of gasoline.**

21           **Sec. 11. As used in this chapter, "terminal operator" means a**  
 22 **person that:**

23           **(1) stores gasoline in tanks and equipment used in receiving**  
 24 **and storing gasoline from interstate or intrastate pipelines**  
 25 **pending wholesale bulk reshipment; or**

26           **(2) stores gasoline at a boat terminal transfer that is a dock or**  
 27 **tank, or equipment contiguous to a dock or tank, including**  
 28 **equipment used in the unloading of gasoline from a ship or**  
 29 **barge and used in transferring the gasoline to a tank pending**  
 30 **wholesale bulk reshipment.**

31           **Sec. 12. As used in this chapter, "total price per unit" means the**  
 32 **price per unit at which gasoline is actually sold, including the**  
 33 **gasoline use tax, Indiana gasoline tax, and federal gasoline tax that**  
 34 **are part of the sales price.**

35           **Sec. 13. As used in this chapter, "unit" means the unit of**  
 36 **measure, such as a gallon or a liter, by which gasoline is sold.**

37           **Sec. 14. As used in this chapter, "use tax rate" means a rate per**  
 38 **gallon of gasoline determined by the department under section 15**  
 39 **of this chapter and used to calculate the use tax due on the retail**  
 40 **sale of gasoline under section 16 of this chapter, notwithstanding**  
 41 **the collection procedures set forth in this chapter.**

42           **Sec. 15. (a) Before the twenty-second day of each month, the**  
 43 **department shall determine and provide a notice of the gasoline**  
 44 **use tax rate to be used during the following month and the source**  
 45 **of the data used to determine the gasoline use tax rate and the**  
 46 **statewide average retail price per gallon of gasoline. The notice**  
 47 **shall be published on the department's Internet web site in a**  
 48 **departmental notice.**

49           **(b) In determining the gasoline use tax rate under this section,**  
 50 **the department shall use:**

51           **(1) the statewide average retail price per gallon of gasoline**

1 (based on the retail price per gallon of gasoline from the  
 2 sixteenth day of the previous month to the fifteenth day of the  
 3 current month), excluding the Indiana gasoline tax, federal  
 4 gasoline tax, the Indiana gasoline use tax, and Indiana gross  
 5 retail tax (if any); multiplied by

6 (2) seven percent (7%).

7 To determine the statewide average retail price, the department  
 8 shall use a data service that updates the most recent retail price of  
 9 gasoline. The gasoline use tax rate per gallon of gasoline  
 10 determined by the department under this section shall be rounded  
 11 to the nearest one-tenth of one cent (\$0.001).

12 **Sec. 16. A qualified distributor, a refiner, or a terminal operator**  
 13 **that sells gasoline for delivery to a retail merchant located in**  
 14 **Indiana shall remit the gasoline use tax to the department for each**  
 15 **gallon of gasoline sold. The person shall remit that amount**  
 16 **regardless of the amount of gasoline use tax that the person has**  
 17 **actually collected under this chapter. However, the person is**  
 18 **entitled to deduct and retain the amounts prescribed in**  
 19 **IC 6-2.5-6-10 and IC 6-2.5-6-11.**

20 **Sec. 17. (a) A distributor, refiner, or terminal operator desiring**  
 21 **to receive gasoline within Indiana without paying the gasoline use**  
 22 **tax must hold an uncanceled permit issued by the department to**  
 23 **collect payments of gasoline use tax from purchasers and recipients**  
 24 **of gasoline.**

25 **(b) To obtain a permit, a distributor, refiner, or terminal**  
 26 **operator must file with the department a sworn application**  
 27 **containing information that the department reasonably requires.**

28 **(c) The department may refuse to issue a permit to a distributor,**  
 29 **refiner, or terminal operator if:**

30 **(1) the application is filed by a distributor, refiner, or**  
 31 **terminal operator whose permit has previously been canceled**  
 32 **for cause;**

33 **(2) the application is not filed in good faith, as determined by**  
 34 **the department;**

35 **(3) the application is filed by a person as a subterfuge for the**  
 36 **real person in interest whose permit has previously been**  
 37 **canceled for cause; or**

38 **(4) the distributor, refiner, or terminal operator has**  
 39 **outstanding tax liability with the department for which a tax**  
 40 **warrant has been issued.**

41 **(d) A permit may not be issued unless the application is**  
 42 **accompanied by an audited and current financial statement and a**  
 43 **license fee of one hundred dollars (\$100).**

44 **(e) A permit issued under this section is not assignable and is**  
 45 **valid only for the distributor, refiner, or terminal operator in**  
 46 **whose name it is issued. If there is a change in name or ownership,**  
 47 **the distributor, refiner, or terminal operator must apply for a new**  
 48 **permit.**

49 **(f) The department may revoke a permit for good cause.**

50 **(g) Before being denied a permit under subsection (c) or before**  
 51 **having a permit revoked under subsection (f), a distributor,**

1 refiner, or terminal operator is entitled to a hearing after five (5)  
2 business days written notice. At the hearing, the distributor,  
3 refiner, or terminal operator may appear in person or by counsel  
4 and present testimony.

5 (h) The department shall keep a record of all qualified  
6 distributors, refiners, and terminal operators.

7 (i) The department may publish a list of qualified distributors  
8 on the department's Internet web site. The list must be limited to  
9 the following information:

10 (1) The name of each qualified distributor.

11 (2) The complete address of each qualified distributor.

12 (3) The telephone number of each qualified distributor.

13 (j) The information contained in a list published under  
14 subsection (i) is not confidential under IC 6-8.1-7-1.

15 Sec. 18. (a) The department may require a distributor, refiner,  
16 or terminal operator to file, concurrently with the filing of an  
17 application for a permit, a bond:

18 (1) in an amount of at least two thousand dollars (\$2,000) and  
19 not more than an amount equal to a three (3) month gasoline  
20 use tax liability for the distributor, as estimated by the  
21 department;

22 (2) in cash or with a surety company approved by the  
23 department;

24 (3) upon which the distributor is the principal obligor and the  
25 state is the obligee; and

26 (4) conditioned upon the prompt filing of true electronic  
27 reports and payment of all gasoline use taxes collected by the  
28 distributor, together with any penalties and interest, and upon  
29 faithful compliance with this chapter.

30 The department shall determine the amount of the distributor's  
31 bond, if any.

32 (b) If after a hearing (conducted after at least five (5) days  
33 written notice) the department determines that the amount of a  
34 distributor's bond is insufficient, the distributor shall upon written  
35 demand of the department file a new bond.

36 (c) The department may require a distributor to file a new bond  
37 with a satisfactory surety in the same form and amount if:

38 (1) liability upon the old bond is discharged or reduced by  
39 judgment rendered, payment made, or otherwise; or

40 (2) in the opinion of the department, any surety on the old  
41 bond becomes unsatisfactory.

42 (d) If a new bond obtained under subsection (b) or (c) is  
43 unsatisfactory, the department shall cancel the permit of the  
44 distributor. If the new bond is satisfactorily furnished, the  
45 department shall release in writing the surety on the old bond from  
46 any liability accruing after the effective date of the new bond.

47 (e) Sixty (60) days after making a written request for release to  
48 the department, the surety of a bond furnished by a distributor is  
49 released from any liability to the state accruing on the bond. The  
50 release does not affect any liability accruing before expiration of  
51 the sixty (60) day period. The department shall promptly notify the

1 distributor furnishing the bond that the surety has requested  
2 release. Unless the distributor obtains a new bond that meets the  
3 requirements of this section and files the new bond with the  
4 department within the sixty (60) day period, the department shall  
5 cancel the distributor's permit.

6 (f) The department may require a distributor to furnish  
7 certified public accountant reviewed or audited annual financial  
8 statements to determine if any change is required in the amount of  
9 the distributor's bond.

10 Sec. 19. (a) Except as provided in section 22 of this chapter, at  
11 the time of purchase or shipment of gasoline from a refiner or  
12 terminal operator to a distributor that is not a qualified  
13 distributor, the refiner or terminal operator shall collect and the  
14 distributor shall pay to the refiner or terminal operator the  
15 gasoline use tax in an amount determined under subsection (d).

16 (b) At the time of purchase or shipment of gasoline from a  
17 qualified distributor to a retail merchant, the qualified distributor  
18 shall collect and the retail merchant shall pay to the qualified  
19 distributor the gasoline use tax in an amount determined under  
20 subsection (d).

21 (c) If gasoline is delivered to a retail merchant for resale and the  
22 gasoline use tax in the amount determined under subsection (d) has  
23 not been paid on the gasoline, the refiner, terminal operator, or  
24 qualified distributor making the delivery shall pay to the  
25 department the gasoline use tax in an amount determined under  
26 subsection (d). For purposes of this chapter, a bulk plant is  
27 considered to be a retail merchant, except when the bulk plant is  
28 also a qualified distributor.

29 (d) The amount of tax that must be paid under this section  
30 equals:

31 (1) the gasoline use tax rate per gallon of gasoline, as  
32 determined by the department under section 15 of this  
33 chapter; multiplied by

34 (2) the number of invoiced gallons purchased or shipped.

35 (e) A purchaser or receiver of gasoline that purchases the  
36 gasoline at retail from a metered pump and makes a payment  
37 under this chapter is not subject to any liability to the state for the  
38 amount of the payment.

39 Sec. 20. (a) Each refiner or terminal operator and each qualified  
40 distributor that is required to remit gasoline use tax under this  
41 chapter shall remit the tax due to the department semimonthly,  
42 through the department's online tax filing system, according to the  
43 following schedule:

44 (1) On or before the tenth day of each month for gasoline sold  
45 after the fifteenth day and before the end of the preceding  
46 month.

47 (2) On or before the twenty-fifth day of each month for  
48 gasoline sold after the end of the preceding month and before  
49 the sixteenth day of the month in which the gasoline was sold.

50 (b) Before the end of each month, each refiner or terminal  
51 operator and each qualified distributor shall file an electronic

1 report covering the taxes owed and the gallons of gasoline sold or  
 2 shipped during the preceding month. The report must include the  
 3 following:

4 (1) The number of gallons of gasoline sold or shipped during  
 5 the preceding month, identifying each purchaser or receiver  
 6 as required by the department.

7 (2) The amount of tax paid by each purchaser or recipient.

8 (3) Any other information reasonably required by the  
 9 department, including statistics to meet federal requirements.

10 (c) The gasoline use tax collected under this chapter shall be  
 11 deposited in the same manner as state gross retail and use taxes are  
 12 required to be deposited under IC 6-2.5-10-1.

13 **Sec. 21. (a)** Except as provided in subsection (b), a distributor  
 14 that pays the gasoline use tax under this chapter shall separately  
 15 state the amount of tax paid on the invoice the distributor issues to  
 16 its purchaser or recipient. The purchaser or recipient shall pay to  
 17 the distributor an amount equal to the gasoline use tax paid.

18 (b) A distributor that:

19 (1) pays the gasoline use tax under this chapter;

20 (2) is a retail merchant; and

21 (3) sells gasoline that is exempt from the gasoline use tax, as  
 22 evidenced by a purchaser's exemption certificate issued by the  
 23 department;

24 may not require the exempt purchaser to pay the gasoline use taxes  
 25 paid on the gasoline sold to the exempt purchaser. A distributor  
 26 that has paid gasoline use taxes and has not been reimbursed  
 27 because the gasoline is sold to an exempt purchaser may file a  
 28 claim for a refund. A claim for a refund must be on the form  
 29 approved by the department and must include all supporting  
 30 documentation reasonably required by the department. If a  
 31 distributor files a completed refund claim form that includes all  
 32 supporting documentation, the department shall authorize the  
 33 auditor of state to issue a warrant for the refund.

34 **Sec. 22. (a)** If a purchase or shipment of gasoline is made to a  
 35 distributor (other than a qualified distributor) outside Indiana for  
 36 shipment into and subsequent sale or use by the distributor within  
 37 Indiana, the distributor shall make the payment required by  
 38 section 19 of this chapter directly to the department. The  
 39 distributor shall pay the tax and submit the electronic report  
 40 according to the schedule set forth in section 20 of this chapter.

41 (b) If a purchase or shipment is made within Indiana for  
 42 shipment and subsequent sale outside Indiana, the purchase or  
 43 shipment is exempt from the gasoline use tax payment  
 44 requirements of section 19 of this chapter. In such a case, if the  
 45 gasoline use tax has already been paid on the purchase or  
 46 shipment, the distributor (including a qualified distributor) may  
 47 claim a credit for that gasoline use tax against the amount required  
 48 to be remitted if the distributor provides evidence that the  
 49 shipment and subsequent sale were outside Indiana.

50 (c) A distributor importing gasoline into Indiana must obtain a  
 51 permit from the department under section 17 of this chapter.

1           **Sec. 23. (a) A refiner, terminal operator, or distributor**  
 2 **(including a qualified distributor) that fails to remit the tax or file**  
 3 **the returns or reports required by this chapter is subject to the**  
 4 **penalties set forth in IC 6-8.1-10.**

5           **(b) A distributor that fails to file the reports required by this**  
 6 **chapter is subject to the penalties set forth in IC 6-8.1-10.**

7           **Sec. 24. A retail merchant shall display on the metered pump**  
 8 **the total price per unit of the gasoline. A retail merchant may not**  
 9 **advertise the gasoline at a price that is different than the price that**  
 10 **the retail merchant is required to display on the metered pump.**

11           **Sec. 25. If a sale of gasoline is exempt from the gasoline use tax,**  
 12 **the person that pays the tax to the retail merchant may file a claim**  
 13 **for refund with the department. The person must file the claim on**  
 14 **the form, in the manner, and with the supporting documentation,**  
 15 **prescribed by the department. If a person properly files a claim for**  
 16 **refund, the department shall refund to the person the gasoline use**  
 17 **tax collected with respect to the exempt transaction.**

18           **Sec. 26. (a) The gasoline use tax collected under this chapter is**  
 19 **considered equivalent to the state gross retail tax that would be**  
 20 **collected by a retail merchant in a retail sale and replaces the**  
 21 **obligation of the retail merchant to collect the state gross retail tax**  
 22 **on the sale of gasoline.**

23           **(b) The exemptions set forth in IC 6-2.5-5 apply to the gasoline**  
 24 **use tax imposed by this chapter.**

25           SECTION 2. IC 6-2.5-4-1 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person is a  
 27 retail merchant making a retail transaction when ~~he~~ **the person** engages  
 28 in selling at retail.

29           (b) A person is engaged in selling at retail when, in the ordinary  
 30 course of ~~his~~ **the person's** regularly conducted trade or business, ~~he~~  
 31 **the person:**

32           (1) acquires tangible personal property for the purpose of resale;  
 33           and

34           (2) transfers that property to another person for consideration.

35           (c) For purposes of determining what constitutes selling at retail, it  
 36 does not matter whether:

37           (1) the property is transferred in the same form as when it was  
 38           acquired;

39           (2) the property is transferred alone or in conjunction with other  
 40           property or services; or

41           (3) the property is transferred conditionally or otherwise.

42           (d) Notwithstanding subsection (b), a person is not selling at retail  
 43 if ~~he~~ **the person** is making a wholesale sale as described in section 2  
 44 of this chapter. **However, in the case of sales of gasoline (as defined**  
 45 **in IC 6-6-1.1-103), a person shall collect the gasoline use tax as**  
 46 **provided in IC 6-2.5-3.5.**

47           (e) The gross retail income received from selling at retail is only  
 48 taxable under this article to the extent that the income represents:

49           (1) the price of the property transferred, without the rendition of  
 50           any service; and

51           (2) except as provided in subsection (g), any bona fide charges

1 which are made for preparation, fabrication, alteration,  
 2 modification, finishing, completion, delivery, or other service  
 3 performed in respect to the property transferred before its transfer  
 4 and which are separately stated on the transferor's records.

5 For purposes of this subsection, a transfer is considered to have  
 6 occurred after delivery of the property to the purchaser.

7 (f) Notwithstanding subsection (e):

8 (1) in the case of retail sales of ~~gasoline (as defined in~~  
 9 ~~IC 6-6-1.1-103)~~ and special fuel (as defined in IC 6-6-2.5-22), the  
 10 gross retail income received from selling at retail is the total sales  
 11 price of the ~~gasoline or~~ special fuel minus the part of that price  
 12 attributable to tax imposed under ~~IC 6-6-1.1~~; IC 6-6-2.5 or Section  
 13 4041(a) or Section 4081 of the Internal Revenue Code; and

14 (2) in the case of retail sales of cigarettes (as defined in  
 15 IC 6-7-1-2), the gross retail income received from selling at retail  
 16 is the total sales price of the cigarettes including the tax imposed  
 17 under IC 6-7-1.

18 (g) Gross retail income does not include income that represents  
 19 charges for serving or delivering food and food ingredients furnished,  
 20 prepared, or served for consumption at a location, or on equipment,  
 21 provided by the retail merchant. However, the exclusion under this  
 22 subsection only applies if the charges for the serving or delivery are  
 23 stated separately from the price of the food and food ingredients when  
 24 the purchaser pays the charges.

25 SECTION 3. IC 6-2.5-6-10, AS AMENDED BY P.L.146-2008,  
 26 SECTION 313, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) In order to compensate retail  
 28 merchants **and those required to remit gasoline use tax** for collecting  
 29 and timely remitting the state gross retail tax, ~~and~~ the state use tax, **and**  
 30 **the gasoline use tax**, every retail merchant **or person required to**  
 31 **remit the gasoline use tax**, except a ~~retail merchant referred to as~~  
 32 **provided** in subsection (c), is entitled to deduct and retain from the  
 33 amount of those taxes otherwise required to be remitted under  
 34 IC 6-2.5-7-5, **IC 6-2.5-3.5**, or under this chapter, if timely remitted, a  
 35 retail merchant's collection allowance.

36 (b) The allowance equals a percentage of the retail merchant's state  
 37 gross retail and use tax **or the person's gasoline use tax** liability  
 38 accrued during a calendar year, specified as follows:

39 (1) Seventy-three hundredths percent (0.73%), if the retail  
 40 merchant's state gross retail and use tax **or gasoline use tax**  
 41 liability accrued during the state fiscal year ending on June 30 of  
 42 the immediately preceding calendar year did not exceed sixty  
 43 thousand dollars (\$60,000).

44 (2) Fifty-three hundredths percent (0.53%), if the retail merchant's  
 45 state gross retail and use tax **or gasoline use tax** liability accrued  
 46 during the state fiscal year ending on June 30 of the immediately  
 47 preceding calendar year:

48 (A) was greater than sixty thousand dollars (\$60,000); and

49 (B) did not exceed six hundred thousand dollars (\$600,000).

50 (3) Twenty-six hundredths percent (0.26%), if the retail

1 merchant's state gross retail and use tax liability **or the person's**  
 2 **gasoline use tax** accrued during the state fiscal year ending on  
 3 June 30 of the immediately preceding calendar year was greater  
 4 than six hundred thousand dollars (\$600,000).

5 (c) A retail merchant described in IC 6-2.5-4-5 or IC 6-2.5-4-6 is not  
 6 entitled to the allowance provided by this section. **A retail merchant**  
 7 **is not entitled to the allowance provided by this section with**  
 8 **respect to gasoline use taxes imposed by IC 6-2.5-3.5.**

9 SECTION 4. IC 6-2.5-7-1, AS AMENDED BY P.L.1-2007,  
 10 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2014]: Sec. 1. (a) The definitions in this section apply  
 12 throughout this chapter.

13 (b) "Kerosene" has the same meaning as the definition contained in  
 14 IC 16-44-2-2.

15 (c) "Gasoline" has the same meaning as the definition contained in  
 16 ~~IC 6-6-1.1-103.~~

17 (d) (c) "Special fuel" has the same meaning as the definition  
 18 contained in IC 6-6-2.5-22.

19 (e) ~~"E85" has the meaning set forth in IC 6-6-1.1-103.~~

20 (f) (d) "Unit" means the unit of measure, such as a gallon or a liter,  
 21 by which ~~gasoline~~ or special fuel is sold.

22 (g) (e) "Metered pump" means a stationary pump which is capable  
 23 of metering the amount of ~~gasoline~~ or special fuel dispensed from it  
 24 and which is capable of simultaneously calculating and displaying the  
 25 price of the ~~gasoline~~ or special fuel dispensed.

26 (h) ~~"Indiana gasoline tax" means the tax imposed under IC 6-6-1.1-~~

27 (i) (f) "Indiana special fuel tax" means the tax imposed under  
 28 IC 6-6-2.5.

29 (j) ~~"Federal gasoline tax" means the excise tax imposed under~~  
 30 ~~Section 4081 of the Internal Revenue Code.~~

31 (k) (g) "Federal special fuel tax" means the excise tax imposed  
 32 under Section 4041 **or Section 4081** of the Internal Revenue Code.

33 (l) (h) "Price per unit before the addition of state and federal taxes"  
 34 means an amount which equals the remainder of:

35 (1) the total price per unit; minus

36 (2) the state gross retail, Indiana ~~gasoline~~ or special fuel, and  
 37 federal ~~gasoline~~ or special fuel taxes which are part of the total  
 38 price per unit.

39 (m) (i) "Total price per unit" means the price per unit at which  
 40 ~~gasoline~~ or special fuel is actually sold, including the state gross retail,  
 41 Indiana ~~gasoline~~ or special fuel, and federal ~~gasoline~~ or special fuel  
 42 taxes which are part of the sales price.

43 (n) "Distributor" means a person who is the first purchaser of  
 44 gasoline from a refiner, a terminal operator, or supplier, regardless of  
 45 the location of the purchase.

46 (o) "Prepayment rate" means a rate per gallon of gasoline  
 47 determined by the department under section 14 of this chapter for use  
 48 in calculating prepayment amounts of gross retail tax under section 9  
 49 of this chapter.

50 (p) "Purchase or shipment" means a sale or delivery of gasoline, but

1 does not include:

- 2 (1) an exchange transaction between refiners, terminal operators;  
3 or a refiner and terminal operator; or  
4 (2) a delivery by pipeline, ship, or barge to a refiner or terminal  
5 operator.

6 (q) "Qualified distributor" means a distributor who:

- 7 (1) is a licensed distributor under IC 6-6-1.1; and  
8 (2) holds an unrevoked permit issued under section 7 of this  
9 chapter.

10 (r) "Refiner" means a person who manufactures or produces  
11 gasoline by any process involving substantially more than the blending  
12 of gasoline.

13 (s) "Terminal operator" means a person that:

- 14 (1) stores gasoline in tanks and equipment used in receiving and  
15 storing gasoline from interstate or intrastate pipelines pending  
16 wholesale bulk reshipment; or  
17 (2) stores gasoline at a boat terminal transfer that is a dock or  
18 tank, or equipment contiguous to a dock or tank, including  
19 equipment used in the unloading of gasoline from a ship or barge  
20 and used in transferring the gasoline to a tank pending wholesale  
21 bulk reshipment.

22 SECTION 5. IC 6-2.5-7-2 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Except as provided  
24 in section 2.5 of this chapter, a retail merchant who uses a metered  
25 pump to dispense gasoline or special fuel shall display on the pump the  
26 total price per unit of the gasoline or special fuel. Subject to the  
27 provisions of section 2.5 of this chapter, a retail merchant may not  
28 advertise the gasoline or special fuel at a price that is different than the  
29 price that ~~he~~ **the retail merchant** is required to display on the metered  
30 pump.

31 SECTION 6. IC 6-2.5-7-3, AS AMENDED BY P.L.146-2008,  
32 SECTION 314, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~With respect to the sale of~~  
34 ~~gasoline which is dispensed from a metered pump;~~ a retail merchant  
35 shall collect, for each unit of gasoline sold, state gross retail tax in an  
36 amount equal to the product, rounded to the nearest one-tenth of one  
37 cent (\$0.001), of:

- 38 (1) the price per unit before the addition of state and federal taxes;  
39 multiplied by  
40 (2) seven percent (7%):

41 The retail merchant shall collect the state gross retail tax prescribed in  
42 this section even if the transaction is exempt from taxation under  
43 IC 6-2.5-5.

44 (b) With respect to the sale of special fuel or kerosene which is  
45 dispensed from a metered pump, unless the purchaser provides an  
46 exemption certificate in accordance with IC 6-2.5-8-8, a retail merchant  
47 shall collect, for each unit of special fuel or kerosene sold, state gross  
48 retail tax in an amount equal to the product, rounded to the nearest  
49 one-tenth of one cent (\$0.001), of:

- 50 (1) the price per unit before the addition of state and federal taxes;

1 multiplied by  
2 (2) seven percent (7%).

3 Unless the exemption certificate is provided, the retail merchant shall  
4 collect the state gross retail tax prescribed in this section even if the  
5 transaction is exempt from taxation under IC 6-2.5-5.

6 SECTION 7. IC 6-2.5-7-4 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) If a sale of  
8 ~~gasoline or~~ special fuel is exempt from the state gross retail tax, the  
9 person who pays the tax to the retail merchant may file a claim for  
10 refund with the department. The person must file the claim on the form,  
11 in the manner, and with the supporting documentation, prescribed by  
12 the department. If a person properly files a claim for refund, the  
13 department shall refund to ~~him~~ **the person** the state gross retail tax  
14 collected with respect to the exempt transaction.

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

18 SECTION 8. IC 6-2.5-7-5, AS AMENDED BY P.L.98-2012,  
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2014]: Sec. 5. (a) Each retail merchant who dispenses  
21 gasoline or special fuel from a metered pump shall, in the manner  
22 prescribed in IC 6-2.5-6, report to the department the following  
23 information:

24 ~~(1) The total number of gallons of gasoline sold from a metered~~  
25 ~~pump during the period covered by the report.~~

26 ~~(2) The total amount of money received from the sale of gasoline~~  
27 ~~described in subdivision (1) during the period covered by the~~  
28 ~~report.~~

29 ~~(3) That portion of the amount described in subdivision (2) which~~  
30 ~~represents state and federal taxes imposed under this article,~~  
31 ~~IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.~~

32 ~~(4) (1) The total number of gallons of special fuel sold from a~~  
33 ~~metered pump during the period covered by the report.~~

34 ~~(5) (2) The total amount of money received from the sale of~~  
35 ~~special fuel during the period covered by the report.~~

36 ~~(6) (3) That portion of the amount described in subdivision (5) (2)~~  
37 ~~that represents state and federal taxes imposed under this article,~~  
38 ~~IC 6-6-2.5, or Section 4041 or Section 4081 of the Internal~~  
39 ~~Revenue Code.~~

40 ~~(7) The total number of gallons of E85 sold from a metered pump~~  
41 ~~during the period covered by the report.~~

42 (b) Concurrently with filing the report, the retail merchant shall  
43 remit the state gross retail tax in an amount which equals six and  
44 fifty-four hundredths percent (6.54%) of the gross receipts, including  
45 state gross retail taxes but excluding Indiana and federal ~~gasoline and~~  
46 ~~special fuel~~ taxes, received by the retail merchant from the sale of the  
47 ~~gasoline and~~ special fuel that is covered by the report and on which the  
48 retail merchant was required to collect state gross retail tax. The retail  
49 merchant shall remit that amount regardless of the amount of state  
50 gross retail tax which the merchant has actually collected under this

1 chapter. However, the retail merchant is entitled to deduct and retain  
2 the amounts prescribed in IC 6-2.5-6-10, and IC 6-2.5-6-11.

3 SECTION 9. IC 6-2.5-7-7 IS REPEALED [EFFECTIVE JULY 1,  
4 2014]. Sec. 7: (a) A distributor desiring to receive gasoline within  
5 Indiana without prepaying gross retail tax must hold an uncanceled  
6 permit issued by the department to collect prepayments of gross retail  
7 tax from retail merchants:

8 (b) To obtain a permit, a distributor must file with the department  
9 a sworn application containing information that the department  
10 reasonably requires:

11 (c) The department may refuse to issue a permit to a distributor if:

12 (1) the application is filed by a distributor whose permit has  
13 previously been cancelled for cause;

14 (2) the application is not filed in good faith, as determined by the  
15 department; or

16 (3) the application is filed by some person as a subterfuge for the  
17 real person in interest whose permit has previously been cancelled  
18 for cause:

19 (d) A permit may not be issued unless the application is  
20 accompanied by an audited and current financial statement and a  
21 license fee of one hundred dollars (\$100):

22 (e) A permit issued under this section is not assignable and is valid  
23 only for the distributor in whose name it is issued. If there is a change  
24 in name or ownership, the distributor must apply for a new permit:

25 (f) The department may revoke a distributor's permit for good cause:

26 (g) Before being denied a permit under subsection (e) or before  
27 having a permit revoked under subsection (f), a distributor is entitled  
28 to a hearing after five (5) days written notice. At the hearing the  
29 distributor may appear in person or by counsel and present testimony:

30 (h) The department shall keep a record of all qualified distributors:

31 SECTION 10. IC 6-2.5-7-8 IS REPEALED [EFFECTIVE JULY 1,  
32 2014]. Sec. 8: (a) The department may require a distributor to file,  
33 concurrently with the filing of an application for a permit, a bond:

34 (1) in an amount of not less than two thousand dollars (\$2,000)  
35 nor more than a three (3) month prepayment tax liability for the  
36 distributor, as estimated by the department;

37 (2) in cash or with a surety company approved by the department;

38 (3) upon which the distributor is the principal obligor and the  
39 state is the obligee; and

40 (4) conditioned upon the prompt filing of true reports and  
41 payment of all prepayment of gross retail taxes collected by the  
42 distributor, together with any penalties and interest, and upon  
43 faithful compliance with this chapter:

44 The department shall determine the amount of the distributor's bond;  
45 if any:

46 (b) If after a hearing (after at least five (5) days written notice) the  
47 department determines that the amount of a distributor's bond is  
48 insufficient, the distributor shall upon written demand of the  
49 department file a new bond:

50 (c) The department may require a distributor to file a new bond with

1 a satisfactory surety in the same form and amount if:

- 2 (1) liability upon the old bond is discharged or reduced by  
 3 judgment rendered; payment made; or otherwise; or  
 4 (2) in the opinion of the department any surety on the old bond  
 5 becomes unsatisfactory.

6 (d) If a new bond obtained under subsection (b) or (c) is  
 7 unsatisfactory, the department shall cancel the permit of the distributor.  
 8 If the new bond is satisfactorily furnished, the department shall release  
 9 in writing the surety on the old bond from any liability accruing after  
 10 the effective date of the new bond.

11 (e) Sixty (60) days after making a written request for release to the  
 12 department, the surety of a bond furnished by a distributor is released  
 13 from any liability to the state accruing on the bond. The release does  
 14 not affect any liability accruing before expiration of the sixty (60) day  
 15 period. The department shall promptly notify the distributor furnishing  
 16 the bond that the surety has requested release. Unless the distributor  
 17 obtains a new bond that meets the requirements of this section and files  
 18 the new bond with the department within the sixty (60) day period, the  
 19 department shall cancel the distributor's permit.

20 (f) The department may require a distributor to furnish audited  
 21 annual financial statements to determine if any change is required in  
 22 the amount of the distributor's bond.

23 SECTION 11. IC 6-2.5-7-9 IS REPEALED [EFFECTIVE JULY 1,  
 24 2014]. Sec. 9: (a) Except as provided in section 13 of this chapter, at  
 25 the time of purchase or shipment of gasoline from a refiner or terminal  
 26 operator, a distributor who is not a qualified distributor shall prepay to  
 27 the refiner or terminal operator the state gross retail tax in an amount  
 28 determined under subsection (d):

29 (b) At the time of purchase or shipment of gasoline from a qualified  
 30 distributor, a retail merchant shall prepay to the qualified distributor  
 31 the state gross retail tax in an amount determined under subsection (d):

32 (c) If gasoline is delivered to a retail outlet for resale and the gross  
 33 retail tax in the amount determined under subsection (d) has not been  
 34 prepaid on the gasoline, the refiner, terminal operator, or qualified  
 35 distributor making the delivery shall prepay to the department the gross  
 36 retail tax in an amount determined under subsection (d). A bulk plant  
 37 is not considered to be a retail outlet.

38 (d) The amount of tax that must be prepaid under this section  
 39 equals:

- 40 (1) the prepayment rate per gallon of gasoline; multiplied by  
 41 (2) the number of invoiced gallons purchased or shipped.

42 (e) A purchaser or receiver of gasoline that makes a prepayment  
 43 under this chapter is not subject to any liability to the state for the  
 44 amount of the prepayment.

45 SECTION 12. IC 6-2.5-7-10 IS REPEALED [EFFECTIVE JULY  
 46 1, 2014]. Sec. 10: (a) Each refiner or terminal operator and each  
 47 qualified distributor that has received a prepayment of the state gross  
 48 retail tax under this chapter shall remit the tax received to the  
 49 department semimonthly, through the department's online tax filing  
 50 system, according to the following schedule:

1 (1) On or before the tenth day of each month for prepayments  
 2 received after the fifteenth day and before the end of the  
 3 preceding month.

4 (2) On or before the twenty-fifth day of each month for  
 5 prepayments received after the end of the preceding month and  
 6 before the sixteenth day of the month in which the prepayments  
 7 are made.

8 (b) Before the end of each month, each refiner or terminal operator  
 9 and each qualified distributor shall file a report covering the prepaid  
 10 taxes received and the gallons of gasoline sold or shipped during the  
 11 preceding month. The report must include the following:

12 (1) The number of gallons of gasoline sold or shipped during the  
 13 preceding month, identifying each purchaser or receiver as  
 14 required by the department.

15 (2) The amount of tax prepaid by each purchaser or receiver.

16 (3) Any other information reasonably required by the department.

17 SECTION 13. IC 6-2.5-7-11 IS REPEALED [EFFECTIVE JULY  
 18 1, 2014]. Sec. 11: Each distributor that prepays the state gross retail tax  
 19 under this chapter shall file a monthly report with the department. The  
 20 report shall be filed no later than the last day of the month following  
 21 the month that the report covers. The report must include the following:

22 (1) The number of gallons of gasoline purchased or received by  
 23 the distributor from each refiner, terminal operator, or another  
 24 distributor.

25 (2) The amount of state gross retail tax prepaid to each refiner,  
 26 terminal operator, or distributor.

27 (3) The number of gallons of gasoline sold to each distributor,  
 28 retail merchant, exempt purchaser, or other person and the  
 29 amount of state gross retail tax collected from each distributor,  
 30 retail merchant, or other person identifying the location of each  
 31 distributor, retail merchant, exempt purchaser, or other person, as  
 32 required by the department.

33 (4) Any other information reasonably required by the department.

34 SECTION 14. IC 6-2.5-7-12 IS REPEALED [EFFECTIVE JULY  
 35 1, 2014]. Sec. 12: (a) Except as provided in subsection (b), a distributor  
 36 that prepays the state gross retail tax under this chapter shall separately  
 37 state the amount of tax prepaid on the invoice the distributor issues to  
 38 its purchaser or recipient. The purchaser or recipient shall pay to the  
 39 distributor an amount equal to the prepaid tax.

40 (b) A distributor that:

41 (1) prepays the state gross retail tax under this chapter;

42 (2) is a retail merchant; and

43 (3) sells gasoline that is exempt from the gross retail tax; as  
 44 evidenced by a purchaser's exemption certificate issued by the  
 45 department;

46 may not require the exempt purchaser to pay the gross retail taxes  
 47 prepaid in the gasoline sold to the exempt purchaser. A distributor that  
 48 has prepaid gross retail taxes and has not been reimbursed because the  
 49 gasoline is sold to an exempt purchaser may file a claim for a refund;  
 50 if the amount of unreimbursed prepaid gross retail taxes exceeds five

1 hundred dollars (\$500). A claim for a refund must be on the form  
 2 approved by the department and include all supporting documentation  
 3 reasonably required by the department. If a distributor files a completed  
 4 refund claim form that includes all supporting documentation, the  
 5 department shall authorize the auditor of state to issue a warrant for the  
 6 refund.

7 SECTION 15. IC 6-2.5-7-13 IS REPEALED [EFFECTIVE JULY  
 8 1, 2014]. Sec. 13: (a) If a purchase or shipment of gasoline is made to  
 9 a distributor (other than a qualified distributor) outside Indiana for  
 10 shipment into and subsequent sale or use by the distributor within  
 11 Indiana, the distributor shall make the prepayment required by section  
 12 9 of this chapter directly to the department. The distributor shall pay  
 13 the tax and submit the report according to the schedule set forth in  
 14 section 10 of this chapter.

15 (b) If a purchase or shipment is made within Indiana for shipment  
 16 and subsequent sale outside Indiana, the purchase or shipment is  
 17 exempt from the prepayment requirements of section 9 of this chapter.

18 SECTION 16. IC 6-2.5-7-14 IS REPEALED [EFFECTIVE JULY  
 19 1, 2014]. Sec. 14: (a) Before June 10 and December 10 of each year,  
 20 the department shall determine and provide to:

- 21 (1) each refiner and terminal operator and each qualified  
 22 distributor known to the department to be required to collect  
 23 prepayments of the state gross retail tax under this chapter; and  
 24 (2) any other person that makes a request;

25 a notice of the prepayment rate to be used during the following six (6)  
 26 month period. The department, after approval by the office of  
 27 management and budget, may determine a new prepayment rate if the  
 28 department finds that the statewide average retail price per gallon of  
 29 gasoline, excluding the Indiana and federal gasoline taxes and the  
 30 Indiana gross retail tax, has changed by at least twenty-five percent  
 31 (25%) since the most recent determination.

32 (b) In determining the prepayment rate under this section, the  
 33 department shall use the most recent retail price of gasoline available  
 34 to the department.

35 (c) The prepayment rate per gallon of gasoline determined by the  
 36 department under this section is the amount per gallon of gasoline  
 37 determined under STEP FOUR of the following formula:

38 STEP ONE: Determine the statewide average retail price per  
 39 gallon of gasoline, excluding the Indiana and federal gasoline  
 40 taxes and the Indiana gross retail tax.

41 STEP TWO: Determine the product of the following:

- 42 (A) The STEP ONE amount.  
 43 (B) The Indiana gross retail tax rate.  
 44 (C) Eighty percent (80%).

45 STEP THREE: Determine the lesser of:

- 46 (A) the STEP TWO result; or  
 47 (B) the product of:

- 48 (i) the prepayment rate in effect on the day immediately  
 49 preceding the day on which the prepayment rate is  
 50 redetermined under this section; multiplied by

1 (ii) one hundred twenty-five percent (125%).

2 STEP FOUR: Round the STEP THREE result to the nearest  
3 one-tenth of one cent (\$0.001).

4 SECTION 17. IC 6-2.5-7-15 IS REPEALED [EFFECTIVE JULY  
5 1, 2014]. Sec. 15. (a) A refiner, terminal operator, or distributor  
6 (including a qualified distributor) that fails to remit the tax or file the  
7 returns or reports required by this chapter is subject to the penalties set  
8 forth in IC 6-8.1-10:

9 (b) A distributor that fails to file the reports required by section 11  
10 of this chapter is subject to the penalties set forth in IC 6-8.1-10.

11 SECTION 18. IC 6-6-2.5-26.5 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2013]: **Sec. 26.5. As used in this chapter,**  
14 **"truck stop" means a place of business designed for providing**  
15 **service to trucks and truck drivers, including selling fuel to truck**  
16 **drivers and providing support facilities for truck drivers.**

17 SECTION 19. IC 6-6-2.5-41 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 41. (a) Each supplier  
19 engaged in business in Indiana as a supplier shall first obtain a  
20 supplier's license. The fee for a supplier's license shall be five hundred  
21 dollars (\$500).

22 (b) Any person who desires to collect the tax imposed by this  
23 chapter as a supplier and who meets the definition of a permissive  
24 supplier may obtain a permissive supplier's license. Application for or  
25 possession of a permissive supplier's license shall not in itself subject  
26 the applicant or licensee to the jurisdiction of Indiana for any other  
27 purpose than administration and enforcement of this chapter. The fee  
28 for a permissive supplier's license is fifty dollars (\$50).

29 (c) Each terminal operator other than a supplier licensed under  
30 subsection (a) engaged in business in Indiana as a terminal operator  
31 shall first obtain a terminal operator's license for each terminal site.  
32 The fee for a terminal operator's license is three hundred dollars  
33 (\$300).

34 (d) Each exporter engaged in business in Indiana as an exporter  
35 shall first obtain an exporter's license. However, in order to obtain a  
36 license to export special fuel from Indiana to another specified state, a  
37 person shall be licensed either to collect and remit special fuel taxes or  
38 be licensed to deal in tax free special fuel in that other specified state  
39 of destination. The fee for an exporter's license is two hundred dollars  
40 (\$200).

41 (e) Each person who is not licensed as a supplier shall obtain a  
42 transporter's license before transporting special fuel by whatever  
43 manner from a point outside Indiana to a point inside Indiana, or from  
44 a point inside Indiana to a point outside Indiana, regardless of whether  
45 the person is engaged for hire in interstate commerce or for hire in  
46 intrastate commerce. The registration fee for a transporter's license is  
47 fifty dollars (\$50).

48 (f) Each person who wishes to cause special fuel to be delivered into  
49 Indiana on the person's own behalf, for the person's own account, or for  
50 resale to an Indiana purchaser, from another state in a fuel transport

1 vehicle having a capacity of more than five thousand four hundred  
 2 (5,400) gallons, or in a pipeline or barge shipment into storage facilities  
 3 other than a qualified terminal, shall first make an application for and  
 4 obtain an importer's license. The fee for an importer's license is two  
 5 hundred dollars (\$200). This subsection does not apply to a person who  
 6 imports special fuel that is exempt because the special fuel has been  
 7 dyed or marked, or both, in accordance with section 31 of this chapter.  
 8 This subsection does not apply to a person who imports nonexempt  
 9 special fuels meeting the following conditions:

10 (1) The special fuel is subject to one (1) or more tax precollection  
 11 agreements with suppliers as provided in section 35 of this  
 12 chapter.

13 (2) The special fuel tax precollection by the supplier is expressly  
 14 evidenced on the terminal-issued shipping paper as specifically  
 15 provided in section 62(e)(2) of this chapter.

16 (g) A person desiring to import special fuel to an Indiana destination  
 17 who does not enter into an agreement to prepay Indiana special fuel tax  
 18 to a supplier or permissive supplier under section 35 of this chapter on  
 19 the imports must do the following:

20 (1) Obtain a valid license under subsection (f).

21 (2) Obtain an import verification number from the department not  
 22 earlier than twenty-four (24) hours before entering the state with  
 23 each import, if importing in a vehicle with a capacity of more than  
 24 five thousand four hundred (5,400) gallons.

25 (3) Display a proper import verification number on the shipping  
 26 document, if importing in a vehicle with a capacity of more than  
 27 five thousand four hundred (5,400) gallons.

28 (h) The department may require a person that wants to blend special  
 29 fuel to first obtain a license from the department. The department may  
 30 establish reasonable requirements for the proper enforcement of this  
 31 subsection, including the following:

32 (1) Guidelines under which a person may be required to obtain a  
 33 license.

34 (2) A requirement that a licensee file reports in the form and  
 35 manner required by the department.

36 (3) A requirement that a licensee meet the bonding requirements  
 37 specified by the department.

38 (i) The department may require a person that:

39 (1) is subject to the special fuel tax under this chapter;

40 (2) qualifies for a federal diesel fuel tax exemption under Section  
 41 4082 of the Internal Revenue Code; and

42 (3) is purchasing red dyed low sulfur diesel fuel;

43 to register with the department as a dyed fuel user. The department may  
 44 establish reasonable requirements for the proper enforcement of this  
 45 subsection, including guidelines under which a person may be required  
 46 to register and the form and manner of reports a registrant is required  
 47 to file.

48 **(j) A person who owns a truck stop in Indiana must obtain from**  
 49 **the department a truck stop owner's license in the manner**  
 50 **prescribed by the department. A truck stop owner's license must**  
 51 **be renewed every two (2) years.**

1 SECTION 20. IC 6-8.1-7-1, AS AMENDED BY P.L.182-2009(ss),  
2 SECTION 254, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This subsection does not  
4 apply to the disclosure of information concerning a conviction on a tax  
5 evasion charge. Unless in accordance with a judicial order or as  
6 otherwise provided in this chapter, the department, its employees,  
7 former employees, counsel, agents, or any other person may not divulge  
8 the amount of tax paid by any taxpayer, terms of a settlement  
9 agreement executed between a taxpayer and the department,  
10 investigation records, investigation reports, or any other information  
11 disclosed by the reports filed under the provisions of the law relating  
12 to any of the listed taxes, including required information derived from  
13 a federal return, except to:

- 14 (1) members and employees of the department;
- 15 (2) the governor;
- 16 (3) the attorney general or any other legal representative of the  
17 state in any action in respect to the amount of tax due under the  
18 provisions of the law relating to any of the listed taxes; or
- 19 (4) any authorized officers of the United States;

20 when it is agreed that the information is to be confidential and to be  
21 used solely for official purposes.

22 (b) The information described in subsection (a) may be revealed  
23 upon the receipt of a certified request of any designated officer of the  
24 state tax department of any other state, district, territory, or possession  
25 of the United States when:

- 26 (1) the state, district, territory, or possession permits the exchange  
27 of like information with the taxing officials of the state; and
- 28 (2) it is agreed that the information is to be confidential and to be  
29 used solely for tax collection purposes.

30 (c) The information described in subsection (a) relating to a person  
31 on public welfare or a person who has made application for public  
32 welfare may be revealed to the director of the division of family  
33 resources, and to any director of a county office of the division of  
34 family resources located in Indiana, upon receipt of a written request  
35 from either director for the information. The information shall be  
36 treated as confidential by the directors. In addition, the information  
37 described in subsection (a) relating to a person who has been  
38 designated as an absent parent by the state Title IV-D agency shall be  
39 made available to the state Title IV-D agency upon request. The  
40 information shall be subject to the information safeguarding provisions  
41 of the state and federal Title IV-D programs.

42 (d) The name, address, Social Security number, and place of  
43 employment relating to any individual who is delinquent in paying  
44 educational loans owed to a postsecondary educational institution may  
45 be revealed to that institution if it provides proof to the department that  
46 the individual is delinquent in paying for educational loans. This  
47 information shall be provided free of charge to approved postsecondary  
48 educational institutions (as defined by IC 21-7-13-6(a)). The  
49 department shall establish fees that all other institutions must pay to the  
50 department to obtain information under this subsection. However, these

1 fees may not exceed the department's administrative costs in providing  
2 the information to the institution.

3 (e) The information described in subsection (a) relating to reports  
4 submitted under IC 6-6-1.1-502 concerning the number of gallons of  
5 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of  
6 gallons of special fuel sold by a supplier and the number of gallons of  
7 special fuel exported by a licensed exporter or imported by a licensed  
8 transporter may be released by the commissioner upon receipt of a  
9 written request for the information.

10 (f) The information described in subsection (a) may be revealed  
11 upon the receipt of a written request from the administrative head of a  
12 state agency of Indiana when:

13 (1) the state agency shows an official need for the information;  
14 and

15 (2) the administrative head of the state agency agrees that any  
16 information released will be kept confidential and will be used  
17 solely for official purposes.

18 (g) The information described in subsection (a) may be revealed  
19 upon the receipt of a written request from the chief law enforcement  
20 officer of a state or local law enforcement agency in Indiana when it is  
21 agreed that the information is to be confidential and to be used solely  
22 for official purposes.

23 (h) The name and address of retail merchants, including township,  
24 as specified in IC 6-2.5-8-1(j) may be released solely for tax collection  
25 purposes to township assessors and county assessors.

26 (i) The department shall notify the appropriate innkeepers' tax  
27 board, bureau, or commission that a taxpayer is delinquent in remitting  
28 innkeepers' taxes under IC 6-9.

29 (j) All information relating to the delinquency or evasion of the  
30 motor vehicle excise tax may be disclosed to the bureau of motor  
31 vehicles in Indiana and may be disclosed to another state, if the  
32 information is disclosed for the purpose of the enforcement and  
33 collection of the taxes imposed by IC 6-6-5.

34 (k) All information relating to the delinquency or evasion of  
35 commercial vehicle excise taxes payable to the bureau of motor  
36 vehicles in Indiana may be disclosed to the bureau and may be  
37 disclosed to another state, if the information is disclosed for the  
38 purpose of the enforcement and collection of the taxes imposed by  
39 IC 6-6-5.5.

40 (l) All information relating to the delinquency or evasion of  
41 commercial vehicle excise taxes payable under the International  
42 Registration Plan may be disclosed to another state, if the information  
43 is disclosed for the purpose of the enforcement and collection of the  
44 taxes imposed by IC 6-6-5.5.

45 (m) All information relating to the delinquency or evasion of the  
46 excise taxes imposed on recreational vehicles and truck campers that  
47 are payable to the bureau of motor vehicles in Indiana may be disclosed  
48 to the bureau and may be disclosed to another state if the information  
49 is disclosed for the purpose of the enforcement and collection of the  
50 taxes imposed by IC 6-6-5.1.

- 1 (n) This section does not apply to:  
 2 (1) the beer excise tax, including brand and packaged type  
 3 (IC 7.1-4-2);  
 4 (2) the liquor excise tax (IC 7.1-4-3);  
 5 (3) the wine excise tax (IC 7.1-4-4);  
 6 (4) the hard cider excise tax (IC 7.1-4-4.5);  
 7 (5) the malt excise tax (IC 7.1-4-5);  
 8 (6) the motor vehicle excise tax (IC 6-6-5);  
 9 (7) the commercial vehicle excise tax (IC 6-6-5.5); and  
 10 (8) the fees under IC 13-23.
- 11 (o) The name and business address of retail merchants within each  
 12 county that sell tobacco products may be released to the division of  
 13 mental health and addiction and the alcohol and tobacco commission  
 14 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.
- 15 **(p) The names and business addresses of persons issued licenses**  
 16 **by the department under IC 6-6 and IC 6-7 may be released for the**  
 17 **purpose of reporting the status of the license.**
- 18 SECTION 21. [EFFECTIVE JANUARY 1, 2014] **(a) Before June**  
 19 **30, 2014, and for purposes of IC 6-2.5-3.5, as added by this act, the**  
 20 **department of state revenue shall publish the gasoline use tax rate**  
 21 **prescribed by IC 6-2.5-3.5, as added by this act, that will apply to**  
 22 **the sales of gasoline occurring in July 2014.**
- 23 **(b) Each retail merchant covered by IC 6-2.5-7 shall take an**  
 24 **inventory of the gasoline in storage on the commencement of**  
 25 **business on July 1, 2014. A retail merchant shall remit to the**  
 26 **department of state revenue the product of:**
- 27 **(1) the number of gallons in storage on July 1, 2014;**  
 28 **multiplied by**  
 29 **(2) the gasoline use tax rate in effect on July 1, 2014.**
- 30 **A retail merchant shall remit the amount due on or before August**  
 31 **1, 2014, on forms and in a manner prescribed by the department.**
- 32 **(c) This SECTION expires July 1, 2015.**  
 (Reference is to ESB 479 as reprinted April 11, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 479**

**S**igned by:

\_\_\_\_\_  
Senator Walker  
Chairperson

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Representative Dermody

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Senator Skinner

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Representative Kersey

**Senate Conferees**

**House Conferees**