



**SYNOPSIS OF 2016
LEGISLATION
AFFECTING THE
INDIANA DEPARTMENT
OF REVENUE**

**Tax Policy Division
November 2016**

INTRODUCTION

This synopsis contains a list of legislation passed by the 2016 Indiana General Assembly that affects the Department of Revenue.

How This Synopsis Is Organized

This synopsis has been divided into two parts. Both parts present the same information, but they are organized differently. The first part is organized according to tax type; the second part is organized by bill number. This way, readers can search for information in whichever way suits them best. If you're looking for new legislation pertaining to cigarette tax, look in the first part for the section labeled "Cigarette and Other Tobacco Taxes." If you need to know which provisions in House Enrolled Act 1001 affect the department, and how, look in the second part for that bill.

For each piece of legislation, we've provided a heading (the relevant tax type in the first part; the enrolled act number in the second part), a short summary of what the legislation says, the date it goes into effect, and the affected Indiana Code cites.

In addition, in the first part, we've included the House or Senate enrolled act number so you'll know in which bill you can find that piece of legislation. Because the second part is organized by enrolled act number, we've simply included the SECTION of the bill where you can find that piece of legislation.

How to Find Code Cites and Enrolled Acts Online

To get more information about all the recently passed legislation or to read the bills in their entirety, go to the Indiana General Assembly's website at <https://iga.in.gov/>.

On the Indiana General Assembly's website, do the following:

1. At the top of the page, click Laws and then select Indiana Code. Every title of the Indiana Code appears on this page.
2. Click the title you want to review.
3. Next, choose the Article you want to review. All the chapters in the article are listed on the left side of the page.
4. Click the chapter you want to review. All sections of the chapter will appear, including the section of the Indiana Code you want to examine.

To see the bill containing the specific language, do the following:

1. Click the Legislation link on the top of the Indiana General Assembly's webpage.
2. From there, click Bills and scroll to the bill number you want.
3. When you find the bill, click Latest Version to pull up the Enrolled Act.
4. Open the PDF of the bill to find the relevant piece of legislation by looking for its SECTION number.

Disclaimer

Legislative synopses are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate enrolled acts. Any information or guidance not consistent with the appropriate enrolled acts is not binding on the department. The information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein. This document does not meet the definition of a “statement” required to be published in the Indiana Register under IC 4-22-2-7.

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PART I

LEGISLATION BY TAX TYPE

WAGERING TAXES (IC 4)

Summary: Eliminates the exceptions from the general rules for distribution of wagering tax revenues from riverboats at French Lick and in Lake County. Makes other conforming technical corrections to internal references.

Effective Date: July 1, 2016

Code: IC 4-33-12-6

Enrolled Act: HEA 1290, SEC. 1

Summary: Creates a new code section establishing to whom wagering tax revenues from a riverboat in Lake County shall be distributed.

Effective Date: July 1, 2016

Code: IC 4-33-12-8

Enrolled Act: HEA 1290, SEC. 2

Summary: Creates a new code section establishing the rules by which the treasurer of the state shall distribute wagering tax revenues from riverboats to local government units.

Effective Date: July 1, 2016

Code: IC 4-33-12-9

Enrolled Act: HEA 1290, SEC. 3

Summary: Makes technical correction to references to IC 4-33-12.

Effective Date: July 1, 2016

Code: IC 4-33-12.5-6

Enrolled Act: HEA 1290, SEC. 4

Summary: Makes technical correction to references to IC 4-33-12.

Effective Date: July 1, 2016

Code: IC 4-33-12.5-7

Enrolled Act: HEA 1290, SEC. 5

Summary: Makes technical corrections to references to IC 4-33-12. Accelerates from September 15 to July 15 the date by which the treasurer of state is required to determine the total amount of wagering tax revenues distributed to any entity during the preceding state fiscal year. Accelerates from September 2016 to July 2016 the requirement that the treasurer of state make certain deductions from any supplemental distributions payable to Lake County, Hammond, Gary or East Chicago.

Effective Date: July 1, 2016

Code: IC 4-33-13-5

Enrolled Act: HEA 1290, SEC. 6

Summary: Entry fees and other revenues received by a licensee under a contract with a game operator for conducting paid fantasy sports games are not considered to be received from a licensee's gaming operations and are not subject to: (1) a wagering tax imposed under IC 4-33-13 or IC 4-35-8; (2) the fee imposed under IC 4-35-8.5; (3) the distribution required under IC 4-35-7-12; or (4) any other tax or fee imposed upon a licensee under IC 4-31, IC 4-33, or IC 4-35.

Effective Date: July 1, 2016

Code: IC 4-33-13-5

Enrolled Act: SEA 339, SEC. 27

SALES AND USE TAX (IC 6-2.5)

Summary: Defines “construction material” to mean any tangible personal property to be converted into real property.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-1-14.7

Enrolled Act: SEA 309, SEC. 14

Summary: Defines “contractor” to mean any person engaged in converting construction material into real property on behalf of another person. The term includes, but is not limited to, general or prime contractors, subcontractors, and specialty contractors.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-1-14.9

Enrolled Act: SEA 309, SEC. 15

Summary: Defines “facilitator” to mean a person who: (1) contracts or otherwise enters into an agreement: (A) with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and (B) to market rooms, lodgings, or accommodations through the Internet; and (2) accepts payment from the consumer for the room, lodging, or accommodation. The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act (IC 25-34.1) or the owner of the room, lodging, or accommodation.

Effective Date: July 1, 2017

Code: IC 6-2.5-1-19.5

Enrolled Act: SEA 309, SEC. 16

Summary: Defines "time and material contract" to mean a contract in which the cost of construction material and the cost of labor or other charges are stated separately.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-1-27.7

Enrolled Act: SEA 309, SEC. 17

Summary: Clarifies that the use tax is imposed on a contractor's conversion of construction material into real property if that construction material was purchased by the contractor. Provides that a contractor's conversion of construction material into real property is exempt from the use tax if: (1) the state gross retail or use tax was previously imposed on the contractor's acquisition or use of that construction material; (2) the person for whom the construction material is being converted could have purchased the material exempt, as evidenced by a properly completed exemption certificate; or (3) the conversion of the construction material into real property was governed by a time and material contract as described in IC 6-2.5-4-9(b).

Effective Date: JANUARY 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-3-2

Enrolled Act: SEA 309, SEC. 18

Summary: Provides that a retail merchant who obtains an exemption certificate from a person purchasing tangible personal property for use or consumption in providing public transportation under IC 6-2.5-5-27 is entitled to assume that the person purchasing the tangible personal property will use the tangible personal property for an exempt purpose or pay any use tax that is due on the storage, use, or consumption of the tangible personal property. The retail merchant is not liable for a failure to collect any use tax that may be due on the storage, use, or consumption of the tangible personal property unless the retail merchant's reliance on the information described in IC 6-2.5-3-7(c)(1)-(3) and the signed affirmation required under IC 6-2.5-3-7(c)(3) was unreasonable. The department has the burden of proving that the retail merchant's reliance on the information described in IC 6-2.5-3-7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable.

Effective Date: July 1, 2016

Code: IC 6-2.5-3-7.5

Enrolled Act: HEA 1290, SEC. 14

Summary: Specifies that a person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations if those rooms, lodgings, or other accommodations are located in a house, condominium, or apartment in which rooms, lodgings, or accommodations are rented or furnished for transient residential housing. Specifies that a facilitator is a retail merchant making a retail transaction when the facilitator accepts payment from the consumer for a room, lodging, or accommodation rented or furnished in Indiana.

Effective Date: JULY 1, 2017

Code: IC 6-2.5-4-4

Enrolled Act: SEA 309, SEC. 19

Summary: Requires that retail merchants making retail transactions under IC 6-2.5-4-4 provide to the consumer of the accommodation an itemized statement. The itemized statement shall include: (1) the part of the gross retail income that is charged by the retail merchant for renting or furnishing the accommodation; (2) any amount collected by the retail merchant for the state gross retail or use tax and any innkeeper's tax due under IC 6-9; and (3) any part of the gross retail income that is a fee, commission, or other charge of the facilitator. Imposes a penalty of twenty-five dollars (\$25) on each retail transaction in which a facilitator fails to separately state the information required.

Effective Date: JULY 1, 2017

Code: IC 6-2.5-4-4.2

Enrolled Act: SEA 309, SEC. 20

Summary: Provides that a contractor is a retail merchant making a retail transaction when the contractor: (1) disposes of tangible personal property; or (2) converts tangible personal property into real property; under a time and material contract. As such a retail merchant, a contractor described in this subsection shall collect, as an agent of the state, the state gross retail tax on the resale of the construction material and remit the state gross retail tax as provided in this article.

Effective Date: JANUARY 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-4-9

Enrolled Act: SEA 309, SEC. 21

Summary: Eliminates the "cutting of steel bars into billets" from the list of activities that shall be treated as the processing of tangible personal property for purposes of the sales tax exemption for manufacturing machinery, tools, and equipment acquired for direct use in direct production.

Effective Date: JANUARY 1, 2017

Code: IC 6-2.5-5-3

Enrolled Act: SEA 309, SEC. 22

Summary: Exempts transactions involving the sale of or the lease or rental of storage for bullion or currency from the state gross retail tax if: (1) the coins are permitted investments by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m); (2) the bullion is a permitted investment by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m); or (3) the coins are legal tender.

Effective Date: July 1, 2016

Code: IC 6-2.5-5-47

Enrolled Act: HEA 1046, SEC. 1

Summary: Makes significant changes to the way in which the department deposits collections of the Gasoline Use Tax ("GUT"). Amounts collected under GUT shall be determined separately from the collection of sales and use taxes under IC 6-2.5. Money collected shall be deposited from two pools of money (GUT collections and all other sales and use tax collections) instead of one. Also changes the general allocation of sales and use tax collections.

Effective Date: July 1, 2016

Code: IC 6-2.5-10-1

Enrolled Act: HEA 1001, SEC. 4

ADJUSTED GROSS INCOME TAX (IC 6-3)

Summary: Expands the \$1,500 deduction, for taxable years beginning after December 31, 2017, for dependent children to include certain individuals for whom the taxpayer is the legal guardian, but not the parent.

Effective Date: January 1, 2017

Code: IC 6-3-1-3.5

Enrolled Act: SEA 309, SEC. 23

Summary: Updates references to Internal Revenue Code to that in effect on January 1, 2016, instead of January 1, 2015.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3-1-11

Enrolled Act: HEA 1290, SEC. 15

Summary: Makes rules, guidelines, or other instructions adopted by the department under IC 6-3-2-3.2(d) apply to taxable years beginning after December 31, 2013. Provides that this section expires July 1, 2019.

Effective Date: January 1, 2014 (RETROACTIVE)

Code: IC 6-3-2-3.2

Enrolled Act: SEA 173, SEC. 2

Summary: Eliminates the credit against adjusted gross income for contributions to the twenty-first century scholars program.

Effective Date: January 1, 2017

Code: IC 6-3-3-5.1

Enrolled Act: SEA 309, SEC. 24

Summary: Clarifies that a taxpayer who makes a contribution to a college choice 529 education savings plan is considered to have made the contribution on the date that: (1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a college choice 529 education savings plan by mail or delivery service; or (2) the taxpayer's electronic funds transfer is initiated, for contributions that are submitted to a college choice 529 education savings plan by electronic funds transfer.

Effective Date: January 1, 2016

Code: IC 6-3-3-12

Enrolled Act: SEA 309, SEC. 25

Summary: Provides that the credit a hospital is entitled to against the hospital's adjusted gross income tax liability for the taxable year equal to ten percent of the property taxes paid in Indiana for the taxable year on property used as a hospital may be carried forward to a succeeding tax year.

Effective Date: July 1, 2016

Code: IC 6-3-3-14.6

Enrolled Act: SEA 309, SEC. 26

Summary: Provides that if a partnership fails to withhold and pay any amount of tax required to be withheld and thereafter the tax is paid by the partners, the amounts of tax as paid by the partners shall not be collected from the partnership but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

Effective Date: July 1, 2016

Code: IC 6-3-4-12

Enrolled Act: SEA 309, SEC. 27

Summary: Provides that if a trust or estate fails to withhold and pay any amount of tax required to be withheld and thereafter the tax is paid by the beneficiaries, the amounts of tax paid by the beneficiaries shall not be collected from the trust or estate but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

Effective Date: July 1, 2016

Code: IC 6-3-4-15

Enrolled Act: SEA 309, SEC. 28

Summary: Makes alterations to rules governing the claim of industrial recovery tax credits.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-1

Enrolled Act: HEA 1290, SEC. 16

Summary: Eliminates the definition of “executive” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-3

Enrolled Act: HEA 1290, SEC. 17

Summary: Changes the definition of “industrial recovery site” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-5

Enrolled Act: HEA 1290, SEC. 18

Summary: Eliminates the definition of “legislative body” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-6

Enrolled Act: HEA 1290, SEC. 19

Summary: Eliminates the definition of “municipality” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-7

Enrolled Act: HEA 1290, SEC. 20

Summary: Eliminates the definition of “vacant industrial facility” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-15

Enrolled Act: HEA 1290, SEC. 21

Summary: Requires that a taxpayer enter into an agreement with IEDC in order to claim the industrial recovery tax credit.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-16

Enrolled Act: HEA 1290, SEC. 22

Summary: Requires that a taxpayer apply to IEDC in order to claim the industrial recovery tax credit.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-18.5

Enrolled Act: HEA 1290, SEC. 23

Summary: Establishes requirements to be met in order for IEDC to grant a taxpayer's application for the industrial recovery tax credit.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-18.5

Enrolled Act: HEA 1290, SEC. 24

Summary: Going forward, IEDC is authorized to request that the Department of Revenue impose an assessment for noncompliance with the requirements to receive the EDGE Credit.

Effective Date: July 1, 2016

Code: IC 6-3.1-13-22

Enrolled Act: SEA 378, SEC. 28

Summary: Defines "qualified contribution" to mean a contribution to a fund for which a community development corporation has received an allocation of tax credits under IC 4-4-28-13.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3.1-18-4.5

Enrolled Act: SEA 325, SEC. 10

Summary: Clarifies that the Department of Revenue shall grant a tax credit against any state liability due equal to fifty percent of the amount of a "qualified contribution" made in the taxable year if the contribution is not less than \$100 and not more than \$50,000.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3.1-18-6

Enrolled Act: SEA 325, SEC. 11

Summary: Changes the formula the department shall use for determining how much property tax credits shall be deducted from riverboat admissions tax revenues before payments and supplemental distributions are made to cities in Lake County.

Effective Date: July 1, 2016

Code: IC 6-3.1-20-7

Enrolled Act: HEA 1290, SEC. 26

Summary: Requires that a person or an individual who desires to claim a tax credit under IC 6-3.1-18 shall file with the Department of Revenue, in the form approved by the department, an application stating the amount of the qualified contribution that the person or individual proposes to make and the amount sought to be claimed as a credit.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3.1-18-9

Enrolled Act: SEA 325, SEC. 12

Summary: Going forward, IEDC is authorized to request that the department impose an assessment for noncompliance with the requirements to receive the Hoosier Business Investment Credit.

Effective Date: July 1, 2016

Code: IC 6-3.1-26-23

Enrolled Act: SEA 378, SEC. 34

Summary: Going forward, IEDC is authorized to request that the department impose an assessment for noncompliance with the requirements to receive the Hoosier Alternative Fuel vehicle Manufacturer Tax Credit.

Effective Date: July 1, 2016

Code: IC 6-3.1-31.9-20

Enrolled Act: SEA 378, SEC. 39

LOCAL OPTION INCOME TAXES (IC 6-3.5 and IC 6-3.6)

Summary: Defines “Transportation asset management plan.”

Effective Date: July 1, 2016

Code: IC 6-3.5-4-1

Enrolled Act: HEA 1001, SEC. 5

Summary: Allows counties using a transportation asset management plan approved by INDOT to impose an annual license excise surtax on motor vehicles. The tax may be imposed at a rate of at least two percent (2%) and not more than twenty percent (20%), or at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than (\$50).

Effective Date: July 1, 2016

Code: IC 6-3.5-4-2

Enrolled Act: HEA 1001, SEC. 6

Summary: Allows counties using a transportation asset management plan approved by INDOT to impose a wheel tax on each vehicle registered in the county. The tax may not be less than five dollars (\$5) and may not exceed eighty dollars (\$80).

Effective Date: July 1, 2016

Code: IC 6-3.5-5-2

Enrolled Act: HEA 1001, SEC. 9

Summary: Allows eligible municipalities to adopt an ordinance to impose an annual license excise surtax on each motor vehicle registered in the eligible municipality. Ordinances shall be sent to the Commissioner of the Bureau of Motor Vehicles.

Effective Date: UPON PASSAGE

Code: IC 6-3.5-10

Enrolled Act: HEA 1001, SEC. 11

Summary: Allows eligible municipalities that have adopted an ordinance to impose an annual license excise tax to impose a municipal wheel tax. Ordinances shall be sent to the Commissioners of the Bureau of Motor Vehicles and the Department of State Revenue. If the wheel tax for a commercial vehicle is collected directly by the department, the Commissioner of the department shall: (1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and (2) file a wheel tax collections report with the fiscal officer of the appropriate municipality in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

Effective Date: UPON PASSAGE

Code: IC 6-3.5-11

Enrolled Act: HEA 1001, SEC. 12

Summary: Relocates the department's authority to impose a service charge of fifteen cent (\$0.15) on the collection of the county motor vehicle excise surtax, which will be deposited in the motor carrier regulation fund.

Effective Date: July 1, 2016

Code: IC 6-3.5-4-15.5

Enrolled Act: HEA 1087, SECTION 23

Summary: Relocates the department's authority to impose a service charge of fifteen cent (\$0.15) on the collection of the county wheel tax, which will be deposited in the motor carrier regulation fund.

Effective Date: July 1, 2016

Code: IC 6-3.5-5-9

Enrolled Act: HEA 1087, SECTION 25

Summary: Clarifies that the department must remit the wheel tax and file a collections report with the county auditor in the same manner and time as the bureau of motor vehicles.

Effective Date: July 1, 2016

Code: IC 6-3.5-5-13

Enrolled Act: HEA 1087, SECTION 26

Summary: For a county in which the adopting body is the local income tax council (former county option income tax counties) and which did not allocate the revenue under this chapter from an expenditure rate of at least one-tenth of one percent (0.1%) to pay for a public safety answering points (PSAP) system in the county for a year, the county fiscal body may adopt an ordinance to impose a tax rate for a PSAP in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed one-tenth of one percent (0.1%). The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used only for paying for a PSAP in the county.

Effective Date: July 1, 2016

Code: IC 6-3.6-6-3

Enrolled Act: SEA 308, SEC. 16

INHERITANCE AND ESTATE TAXES (IC 6-4.1)

Summary: Directs that inheritance tax returns filed after March 31, 2016 be filed with the Department of Revenue.

Effective Date: Upon Passage

Code: IC 6-4.1-4-1

Enrolled Act: SEA 371, SEC. 2

Summary: Provides that if the Department of Revenue finds that because of an unavoidable delay an inheritance tax return cannot be filed before the deadline established by the appropriate probate court or the department, the department may extend the period for filing the return. After the expiration of the first extension period, the department may grant a subsequent extension if the person seeking the extension files a written petition that states the reason for the delay in filing the return.

Effective Date: Upon Passage

Code: IC 6-4.1-4-2

Enrolled Act: SEA 371, SEC. 3

Summary: Provides that except in cases where the Department of Revenue finds that the person had a justifiable excuse for not filing the return on or before the due date, the department shall charge a person who fails to file an inheritance tax return on or before the due date a penalty in an amount that equals: (1) fifty cents (\$0.50) per day for each day that the return is delinquent; or (2) fifty dollars (\$50); whichever is less.

Effective Date: Upon Passage

Code: IC 6-4.1-4-6

Enrolled Act: SEA 371, SEC. 4

Summary: Eliminates the requirement, for inheritance tax returns filed after March 31, 2016, for the probate court to refer filed inheritance tax returns to the county inheritance tax appraiser.

Effective Date: Upon Passage

Code: IC 6-4.1-5-2

Enrolled Act: SEA 371, SEC. 5

Summary: Provides that for inheritance tax returns that would otherwise have been due after March 31, 2016, the personal representative of a decedent's estate or trustee may file a verified petition with the Department of Revenue requesting that the department enter an order stating that no inheritance tax is due.

Effective Date: Upon Passage

Code: IC 6-4.1-5-7

Enrolled Act: SEA 371, SEC. 10

Summary: Provides guidance for how the Department of Revenue shall conduct a hearing on the petition for an order of no inheritance tax due under section IC 6-4.1-5-7(1).

Effective Date: Upon Passage

Code: IC 6-4.1-5-8

Enrolled Act: SEA 371, SEC. 11

Summary: Provides that if an order stating the amount of inheritance tax due as a result of the death of a decedent who died before January 1, 2013, has not been issued as of the close of business on March 31, 2016, the Department of Revenue shall determine the fair market value of the property interests transferred by the resident decedent and the amount of inheritance tax due as a result of the decedent's death. The department shall then enter an order stating the amount of inheritance tax due and the fees due witnesses under section 4 of this chapter. If the department finds that no inheritance tax is due, the department shall include a statement to that effect in the order. The department shall prepare the order required by this subsection on a form prescribed by the department. The department shall include in the order a description of all Indiana real property owned by the resident decedent at the time of the decedent's death. The department shall spread the order of record in the office of the clerk of the appropriate circuit court. The clerk shall maintain the orders in a loose-leaf ledger.

Effective Date: Upon Passage

Code: IC 6-4.1-5-10

Enrolled Act: SEA 371, SEC. 13

Summary: Provides that the Department of Revenue shall immediately mail a copy of its determination of the fair market value of the property interests transferred by a resident decedent and the inheritance tax due as a result of the person's death to each interested person who filed a request for notice and provided a mailing address under IC 6-4.1-5-3(b).

Effective Date: Upon Passage

Code: IC 6-4.1-5-11

Enrolled Act: SEA 371, SEC. 14

Summary: Provides that for inheritance tax returns filed after March 31, 2016, for purposes of determining the inheritance tax imposed on a decedent's transfer of specific property, the Department of Revenue shall, so far as possible, determine the manner in which the property will probably be distributed if: (1) a contingency makes it impossible to determine each transferee's exact interest in the property; and (2) the department and the taxpayer fail, within a reasonable time, to enter into an agreement under section 3 of this chapter.

Effective Date: Upon Passage

Code: IC 6-4.1-6-4

Enrolled Act: SEA 371, SEC. 17

Summary: Provides that for an inheritance tax return filed after March 31, 2016, a person who is dissatisfied with an inheritance tax determination made by the Department of Revenue with respect to a resident decedent's estate may obtain a hearing on the determination. To obtain the hearing, the person must file a petition for a hearing with the appropriate probate court within one hundred twenty (120) days after the determination is made. In the petition, the person must state the grounds for the hearing. The probate court shall base the hearing on evidence presented to the department plus any additional evidence which the court elects to hear.

Effective Date: Upon Passage

Code: IC 6-4.1-7-1

Enrolled Act: SEA 371, SEC. 19

Summary: Provides that for an inheritance tax return filed after March 31, 2016, a person who is dissatisfied with an appraisal made by the Department of Revenue with respect to a resident decedent's estate may obtain a reappraisal of the property interest involved. To obtain the reappraisal, the person must file a petition for reappraisal with the probate court within one (1) year after the department enters an order determining the inheritance tax due as a result of the decedent's death. However, if the original appraisal is fraudulently or erroneously made, the person may file the reappraisal petition within two (2) years after the department enters the order.

Effective Date: Upon Passage

Code: IC 6-4.1-7-2

Enrolled Act: SEA 371, SEC. 20

Summary: Provides that an inheritance tax determination or an appraisal made by the Department of Revenue may not be directly appealed to the tax court. A person dissatisfied with an inheritance tax determination or an appraisal made by the department must have the inheritance tax determination or appraisal reviewed by the appropriate probate court under IC 6-4.1-7-1, IC 6-4.1-7-2 or IC 6-4.1-7-5, whichever is applicable. The probate court's action on the inheritance tax determination or an appraisal made by the department may be appealed to the tax court under IC 6-4.1-7-7.

Effective Date: Upon Passage

Code: IC 6-4.1-7-6.5

Enrolled Act: SEA 371, SEC. 23

Summary: Provides that, effective April 1, 2016, the Department of Revenue may reduce the interest rate from ten percent to six percent for all decedents.

Effective Date: Upon Passage

Code: IC 6-4.1-9-1

Enrolled Act: SEA 371, SEC. 24

Summary: Provides that for all inheritance tax returns filed after March 31, 2016, a person who is liable for inheritance tax imposed as a result of a resident decedent's death shall pay the tax to the Department of Revenue.

Effective Date: Upon Passage

Code: IC 6-4.1-9-5

Enrolled Act: SEA 371, SEC. 25

Summary: Provides how the Department of Revenue shall distribute inheritance tax revenues collected after March 31, 2016. The department shall distribute inheritance taxes collected as the result of the death of a resident decedent as follows: (1) retain ninety-two percent (92%) of the taxes collected for deposit in the state general fund; (2) retain any interest or penalties collected by the department for deposit in the state general fund; and (3) subject to provisions in subsection (c) pertaining to consolidated cities, the department shall distribute eight percent (8%) of the taxes collected to the county treasurer of the county in which the resident decedent lived at the time of the resident decedent's death for deposit in the county general fund.

Effective Date: Upon Passage

Code: IC 6-4.1-9-6

Enrolled Act: SEA 371, SEC. 26

Summary: Eliminates the requirement for county treasurers to send quarterly reports of inheritance tax collections to the Department of Revenue.

Effective Date: Upon Passage

Code: IC 6-4.1-9-7

Enrolled Act: SEA 371, SEC. 27

Summary: Provides that in the case of an inheritance tax return filed after March 31, 2016, the probate court having jurisdiction does not have the power to make original inheritance tax determinations. The probate court may hear the following matters with respect to an inheritance tax return filed after March 31, 2016, for a resident decedent: (1) any matter subject to IC 6-4.1-4-3 through IC 6-4.1-4-5; (2) any matter subject to IC 6-4.1-5-13; (3) petitions for a redetermination of inheritance tax due or a reappraisal of a property interest under IC 6-4.1-7; and (4) an appeal of a refund order under IC 6-4.1-10-4.

Effective Date: Upon Passage

Code: IC 6-4.1-12-1

Enrolled Act: SEA 371, SEC. 29

Summary: Provides that in the case of an inheritance tax return filed after March 31, 2016, the Department of Revenue shall have the power to appraise property interest for a resident decedent.

Effective Date: Upon Passage

Code: IC 6-4.1-12-2

Enrolled Act: SEA 371, SEC. 30

MISCELLANEOUS AND VEHICLE EXCISE TAXES (IC 6-6)

Summary: Extends the entitlement to a refund of gasoline tax paid on gasoline purchased or used to create racing fuel that: (A) consists of a fuel blend nominally consisting of more than eighty-nine percent (89%) ethanol and less than eleven percent (11%) gasoline; (B) will not be blended to become a fuel that can be used for propelling a motor vehicle operated in whole or in part on an Indiana public highway; and (C) will be resold by the person purchasing the fuel to a purchaser that is located in another state, territory, or foreign country.

Effective Date: July 1, 2016

Code: IC 6-6-1.1-903

Enrolled Act: HEA 1290, SEC. 27

Summary: Provides that for purposes of the special fuel tax refund available to intercity bus operators, the term “intercity bus” has been replaced by the term “for-hire bus,” which is a new term defined at IC 9-13-2-66.7 and created elsewhere in HEA 1087 to replace “intercity bus.”

Effective Date: July 1, 2016

Code: IC 6-6-2.5-32.5

Enrolled Act: HEA 1087, SECTION 27

Summary: Clarifies that the motor carrier fuel tax does not apply to any bus type. Further, specifies that reference to IC 9-18 will be replaced with reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-4.1-2

Enrolled Act: HEA 1087, SECTION 28

Summary: Provides the definition of “yard tractor” to be tractor used to move semitrailers within a terminal, loading, or spotting facility.

Effective Date: July 1, 2016

Code: IC 6-6-4.1-13

Enrolled Act: HEA 1087, SECTION 29

Summary: Replaces reference to IC 9-14-3-1 with reference to 9-14-12-1, as IC 9-14-3 is repealed elsewhere in HEA 1087.

Effective Date: July 1, 2016

Code: IC 6-6-4.1-27

Enrolled Act: HEA 1087, SECTION 30

Summary: Clarifies that the motor vehicle excise tax does not apply to special machinery, buses, and vehicle subject to taxation under IC 6-6-5.1 and IC 6-6-5.5.

Effective Date: July 1, 2016

Code: IC 6-6-5-1

Enrolled Act: HEA 1087, SECTION 31

Summary: Provides that the calculation of prorating the motor vehicle excise tax will change to a new formula after December 31, 2016.

Effective Date: July 1, 2016

Code: IC 6-6-5-7.2

Enrolled Act: HEA 1087, SECTION 33

Summary: Specifies that references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires for the purposes of the department applying penalty or interest to a person who did not register their vehicle and pay the tax.

Effective Date: July 1, 2016

Code: IC 6-6-5-9

Enrolled Act: HEA 1087, SECTION 35

Summary: Provides that the calculation of prorating the excise tax on recreational vehicles will change to a new formula after December 31, 2016.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-15

Enrolled Act: HEA 1087, SECTION 40

Summary: Specifies that references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires for the purposes of the department applying penalty or interest to a person did not register their vehicle and pay the tax.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-21

Enrolled Act: HEA 1087, SECTION 42

Summary: Clarifies that any person that recklessly issues a registration, not just an employee of the bureau of motor vehicles or a branch manager commits a Class B misdemeanor.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-25

Enrolled Act: HEA 1087, SECTION 44

Summary: Provides that for purposes of the commercial vehicle excise tax, “declared gross weight” means the weight of a vehicle registered with the department. Further, specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-1

Enrolled Act: HEA 1087, SECTION 45

Summary: Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires. Clarifies that the commercial vehicle excise tax does not apply to vehicles subject to taxation under IC 6-6-5.1 and special machinery.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-2

Enrolled Act: HEA 1087, SECTION 46

Summary: Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires. Further, replaces reference to the “motor carrier services division” with reference to the “department.”

Effective Date: July 1, 2016

Code: IC 6-6-5.5-7

Enrolled Act: HEA 1087, SECTION 47

Summary: Specifies that a reference to IC 9-29 will be replaced with a reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-29 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-7.5

Enrolled Act: HEA 1087, SECTION 48

Summary: Clarifies the methodology for calculating the commercial vehicle excise tax on vehicles registered under the International Registration Plan. Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-10

Enrolled Act: HEA 1087, SECTION 49

CIGARETTE AND OTHER TOBACCO PRODUCTS TAX(IC 6-7)

Summary: Removes “cigarette papers” and “wrappers” from the definition of “cigarettes” for purposes of the cigarette tax.

Effective Date: July 1, 2016

Code: IC 6-7-1-2

Enrolled Act: SEA 381, SEC. 1

Summary: Removes “books and sets of papers,” “wrappers” and “tubes” from the definition of “individual package” for purposes of the cigarette tax.

Effective Date: July 1, 2016

Code: IC 6-7-1-3

Enrolled Act: SEA 381, SEC. 2

Summary: Clarifies that cigarette stamps shall not be imprinted upon individual packages of cigarette papers or tubes.

Effective Date: July 1, 2016

Code: IC 6-7-1-9

Enrolled Act: SEA 381, SEC. 3

Summary: Removes subsection of pre-existing law that enumerated the tax rates to be charged on cigarette papers, wrappers and tubes.

Effective Date: July 1, 2016

Code: IC 6-7-1-12

Enrolled Act: SEA 381, SEC. 4

Summary: Removes subsection of pre-existing law that enumerated the tax rates to be charged on cigarette papers, wrappers and tubes.

Effective Date: July 1, 2016

Code: IC 6-7-1-14

Enrolled Act: SEA 381, SEC. 5

Summary: Increases the discount at which distributors who hold certificates shall be entitled to purchase cigarette tax stamps from \$0.012 to \$0.013 per individual package of cigarettes.

Effective Date: July 1, 2016

Code: IC 6-7-1-17

Enrolled Act: SEA 381, SEC. 6

Summary: Revises how one-sixth of the money in the cigarette tax fund is annually appropriated to the Department of Natural Resources and to the Division of Soil Conservation of the Department of Agriculture.

Effective Date: July 1, 2016

Code: IC 6-7-1-29.1

Enrolled Act: SEA 238, SEC. 2

Summary: Increases the collection allowance distributors are entitled to retain from the collection of other tobacco products tax from .006 to .007 of the amount due.

Effective Date: July 1, 2016

Code: IC 6-7-2-13

Enrolled Act: SEA 381, SEC. 7

MISCELLANEOUS TAXES (IC 6-8)

Summary: Provides that employees may withdraw money contributed after December 31, 2015, to an employee medical savings account plan without penalty and without the withdrawn principal amount being subject to income tax provided that no exemption applies to the employer contribution under IC 6-3-2-18(c) and no exemption or exclusion applied under the Internal Revenue Code at the time of contribution.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-8-11-11.5

Enrolled Act: SEA 23, SEC. 8

Summary: Makes technical corrections to internal references in IC 6-8-11.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-8-11-17

Enrolled Act: SEA 23, SEC. 9

Summary: Makes technical corrections to internal references in IC 6-8-11.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-8-11-23

Enrolled Act: SEA 23, SEC. 10

TAX ADMINISTRATION (IC 6-8.1)

Summary: Provides for space on state income tax forms to enable a taxpayer to donate all or part of the taxpayer's tax refund to the military family relief fund. Provides that if a taxpayer is not entitled to a refund or has designated all of the taxpayer's refund be directed to one of the allowable funds, the taxpayer may make an additional contribution on the taxpayer's income tax return to the military family relief fund.

Effective Date: July 1, 2016

Code: IC 6-8.1

Enrolled Act: SEA 233, SECTION 1

Summary: Specifies that reference to IC 9-30 will be replaced with references to IC 9-20-18 for purposes of the listed taxes.

Effective Date: July 1, 2016

Code: IC 6-8.1-1-1

Enrolled Act: HEA 1081, SECTION 57

Summary: Specifies that the local income tax is a listed tax. Also repeals the regional development improvement income tax and the emergency and hazardous chemical inventory for fee as listed taxes.

Effective Date: July 1, 2017

Code: IC 6-8.1-1-1

Enrolled Act: HEA 1081, SECTION 74

Summary: Dictates the manner in which amounts collected by the department under tax amnesty shall be distributed.

Effective Date: UPON PASSAGE

Code: IC 6-8.1-3-25

Enrolled Act: HEA 1001, SEC. 13

Summary: Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires, and changes reference from IC 6-5.5-6-6(d) to IC 6-5.5-6-6(e).

Effective Date: July 1, 2016

Code: IC 6-8.1-5-2

Enrolled Act: HEA 1081, SECTION 58

Summary: Specifies that the Department of Revenue has six years to issue a proposed assessment against a person who underreports local income tax by at least twenty-five percent (25%).

Effective Date: July 1, 2017

Code: IC 6-8.1-5-2

Enrolled Act: HEA 1081, SECTION 76

Summary: Provides that a taxpayer has twenty (20), instead of the previous ten (10), days from the date the department mails a demand notice for the payment of a tax and any interest or penalties accrued on the tax, to either pay the amount demanded or show reasonable cause for not paying the amount demanded.

Effective Date: July 1, 2016

Code: IC 6-8.1-8-2

Enrolled Act: SEA 309, SEC. 29

Summary: Requires that the Department of Revenue modify state income tax forms to enable a taxpayer to donate all or part of the taxpayer's refund to the military family relief fund.

Effective Date: July 1, 2016

Code: IC 6-8.1-9-4

Enrolled Act: SEA 295, SEC. 1

Summary: Makes technical corrections to internal references to IC-6-3-4-12.

Effective Date: July 1, 2016

Code: IC 6-8.1-10-2.1

Enrolled Act: SEA 309, SEC. 30

INNKEEPERS AND OTHER LOCAL TAXES (IC 6-9)

Summary: Provides that if an ordinance has been adopted requiring the payment of the innkeeper's tax to the county treasurer instead of the Department of Revenue, the county treasurer has the same rights and powers with respect to collecting and refunding the county innkeeper's tax as the department.

Effective Date: July 1, 2016

Code: IC 6-9-29-3

Enrolled Act: SEA 309, SEC. 31

Summary: Authorizes the fiscal officer of any municipality within Allen County to request the county auditor to determine the percentage amount of the county supplemental food and beverage tax that is collected in the preceding year in: (1) each municipality; and (2) the unincorporated territory of the county. The county auditor shall compile and report to the requesting fiscal officer using data provided by the Department of Revenue pursuant to IC 6-8.1-3-7.1.

Effective Date: July 1, 2016

Code: IC 6-9-33-7.5

Enrolled Act: HEA 1040, SEC. 4

MISCELLANEOUS PROVISIONS

Summary: Replaces reference to IC 9-14-3-7 with reference to 9-14-12-3, as IC 9-14-3 is repealed elsewhere in HEA 1087 for the purpose of transportation network company (TNC) requirements for TNC drivers.

Effective Date: July 1, 2016

Code: IC 8-2.1-23-2

Enrolled Act: HEA 1087, SECTION 60

Summary: Clarifies that the treasurer of the state shall deposit in the motor carrier regulation fund amounts collected by the department from fuel tax special trip permits, the annual registration fees for special weight permits and corresponding trip permit fees.

Effective Date: July 1, 2016

Code: IC 8-2.1-23-2

Enrolled Act: HEA 1087, SECTION 61

Summary: Specifies that a reference to IC 9-29 will be replaced with a reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-29 expires. Removes references to the federal laws Motor Carrier Safety Improvement Act (MCSIA) and Moving Ahead for Progress in the Twenty-first Century Act (MAP-21) that expired in October 2015. Clarifies that person who operated a vehicle for hire prior to September 1, 1985, is exempt from 49 CFR 391 instead of a "chauffeur."

Effective Date: July 1, 2016

Code: IC 8-2.1-24-18

Enrolled Act: HEA 1087, SECTION 62

Summary: Makes technical corrections to internal references to IC-6-2.5-4-9.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 8-15-3-23

Enrolled Act: SEA 309, SEC. 32

Summary: Removes the definition of “auxiliary power unit” and relocates the definition in IC 9-20-4-1.

Effective Date: July 1, 2016

Code: IC 9-13-2-10.2

Enrolled Act: HEA 1087, SECTION 84

Summary: Amends the term “bus” to include all bus types.

Effective Date: July 1, 2016

Code: IC 9-13-2-17

Enrolled Act: HEA 1087, SECTION 85

Summary: Removes the definition of “Class A recovery vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-26

Enrolled Act: HEA 1087, SECTION 88

Summary: Removes the definition of “Class B recovery vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-27

Enrolled Act: HEA 1087, SECTION 89

Summary: Clarifies that the definition of “commercial motor vehicle” has the same meaning as set forth in 49 CFR 383.5.

Effective Date: July 1, 2016

Code: IC 9-13-2-31

Enrolled Act: HEA 1087, SECTION 95

Summary: Provides a definition for the term “for-hire bus,” a term that essentially replaces “intercity bus” in the Indiana Code.

Effective Date: July 1, 2016

Code: IC 9-13-2-66.7

Enrolled Act: HEA 1087, SECTION 110

Summary: Removes the definition of the term “gross combination weight.”

Effective Date: July 1, 2016

Code: IC 9-13-2-70.1

Enrolled Act: HEA 1087, SECTION 112

Summary: Removes the definition of the term “gross combination weight rating.”

Effective Date: July 1, 2016

Code: IC 9-13-2-70.2

Enrolled Act: HEA 1087, SECTION 113

Summary: Removes the definition of the term “heavy duty vehicle” and relocates the definition in IC 9-20-4-1.

Effective Date: July 1, 2016

Code: IC 9-13-2-72.5

Enrolled Act: HEA 1087, SECTION 119

Summary: Provides an expanded definition of the term “implement of agriculture.”

Effective Date: July 1, 2016

Code: IC 9-13-2-77

Enrolled Act: HEA 1087, SECTION 119

Summary: Amends the definition of the term “Indiana resident” to include: a person that maintains a main office, branch office, warehouse, or business facility in Indiana; a person that bases and operates vehicles in Indiana; and a person that operates vehicles in intrastate haulage in Indiana.

Effective Date: July 1, 2016

Code: IC 9-13-2-78

Enrolled Act: HEA 1087, SECTION 121

Summary: Removes the definition of the term “intercity bus.”

Effective Date: July 1, 2016

Code: IC 9-13-2-83

Enrolled Act: HEA 1087, SECTION 123

Summary: Removes the definition of the term “intracity bus.”

Effective Date: July 1, 2016

Code: IC 9-13-2-87

Enrolled Act: HEA 1087, SECTION 124

Summary: Provides a definition for the term “not-for-hire bus,” a term that essentially includes a school bus, a church bus, a private bus, and a bus used to provide incidental transportation to a passenger at no additional charge to the passenger.

Effective Date: July 1, 2016

Code: IC 9-13-2-113.5

Enrolled Act: HEA 1087, SECTION 137

Summary: Removes expired verbiage from the definition of the term “overweight divisible load.”

Effective Date: July 1, 2016

Code: IC 9-13-2-120.7

Enrolled Act: HEA 1087, SECTION 141

Summary: Expands the definition of the term “person” to include a sole proprietorship, a trust, an estate, or another entity.

Effective Date: July 1, 2016

Code: IC 9-13-2-124

Enrolled Act: HEA 1087, SECTION 145

Summary: Amends the definition of “recovery vehicle” to remove the repealed definitions of Class A and Class B recovery vehicles.

Effective Date: July 1, 2016

Code: IC 9-13-2-149.8

Enrolled Act: HEA 1087, SECTION 158

Summary: Removes reference to a vehicle used exclusively to carry passengers in the definition of “semitrailer.”

Effective Date: July 1, 2016

Code: IC 9-13-2-164

Enrolled Act: HEA 1087, SECTION 165

Summary: Simplifies the definition of “vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-196

Enrolled Act: HEA 1087, SECTION 176

Summary: Removes the definition of “yard tractor” and relocates the definition in IC 6-6-4.1-13.

Effective Date: July 1, 2016

Code: IC 9-13-2-201

Enrolled Act: HEA 1087, SECTION 179

Summary: Replaces prior statute that required department to create rules regarding providing a registrant list under the International Registration Plan (IRP).

Effective Date: July 1, 2016

Code: IC 9-14-13-4

Enrolled Act: HEA 1087, SECTION 193

Summary: Clarifies the titling exemption for a nonresident that wishes to declare Indiana as their base state, which is that they do not need to title their vehicle in Indiana if their state of residence is not a member of the International Registration Plan (IRP).

Effective Date: July 1, 2016

Code: IC 9-17-2-1

Enrolled Act: HEA 1087, SECTION 201

Summary: Repeals statute that permitted vehicles registered under the International Registration Plan (IRP) in another jurisdiction from operating in Indiana without an Indiana certificate of title. This guidance is replaced by new statutory language in IC 9-17-1-1, IC 9-18.1-2-4 and IC 9-18.1-2-9.

Effective Date: July 1, 2016

Code: IC 9-17-2-13

Enrolled Act: HEA 1087, SECTION 213

Summary: Repeals Title 9, Article 18, after December 31, 2016, dealing with vehicle registrations.

Effective Date: July 1, 2016

Code: IC 9-18-1-13

Enrolled Act: HEA 1087, SECTION 262

Summary: Clarifies that the department may adopt rules to provide for the registration dates for commercial motor vehicles registered by the department as part of the base plate program or the International Registration Plan.

Effective Date: July 1, 2016; Expires December 31, 2016

Code: IC 9-18-2-7

Enrolled Act: HEA 1087, SECTION 265

Summary: Clarifies that the department may audit records of persons that registered vehicles under the International Registration Plan, IC 9-18-2-4.6, and IC 9-18.1-13-3.

Effective Date: July 1, 2016; Expires December 31, 2016

Code: IC 9-18-2-16

Enrolled Act: HEA 1087, SECTION 265

Summary: Clarifies that vehicles are registered according to the declared gross weight. Defines declared gross weight for for-hire buses, trailers, trucks, and tractors used with semitrailers. Clarifies that any indication of registration issued by the department including a cab card is included in the term “proof of registration.” Provides the requirements and procedures for the department for titling, registering, and plating commercial vehicles. Collapses the number of weight classes for vehicles and provides the corresponding fees and distributions for registration. Provides that vehicles may be registered for a period of not less than three (3) months and not more than twenty-four (24) months. Clarifies that vehicles registered for a period other than twelve (12) months are subject to a prorated registration fee formula. Provides the process, fees, and distributions for other registration-related transactions including amendments and transfers. Creates a specific chapter for the department that clarifies the department has the same authority granted to the Bureau of Motor Vehicles in carrying out its titling, registration, and plating functions. Relocates the authority for trip permits and hunter’s permits.

Effective Date: July 1, 2016

Code: IC 9-18.1

Enrolled Act: HEA 1087, SECTION 326

Summary: Includes the definitions of “auxiliary power units” and “heavy duty vehicles,” which were formerly defined in individual statutes that are repealed as a result of HEA 1087.

Effective Date: July 1, 2016

Code: IC 9-20-4-1

Enrolled Act: HEA 1087, SECTION 339

Summary: Clarifies the fee amount for the annual registration and trip permit for an extra heavy duty vehicle, and that the fees are to be deposited in the motor carrier regulation fund.

Effective Date: July 1, 2016

Code: IC 9-20-5-7

Enrolled Act: HEA 1087, SECTION 341

Summary: Clarifies the fee amount for the annual toll road gate permit.

Effective Date: July 1, 2016

Code: IC 9-20-6-3

Enrolled Act: HEA 1087, SECTION 342

Summary: Clarifies that the fee a public utility must pay is one referenced in IC 9-20, not IC 9-29.

Effective Date: July 1, 2016

Code: IC 9-20-6-5

Enrolled Act: HEA 1087, SECTION 343

Summary: Clarifies the fee amount for the permit issued for vehicles being transported from the manufacturing facility to the person taking title.

Effective Date: July 1, 2016

Code: IC 9-20-6-6

Enrolled Act: HEA 1087, SECTION 344

Summary: Clarifies the fee amount for special permits.

Effective Date: July 1, 2016

Code: IC 9-20-6-13

Enrolled Act: HEA 1087, SECTION 345

Summary: Clarifies that maximum length limitations for buses applies to school buses, as transit school bus is no longer a defined term in Title 9.

Effective Date: July 1, 2016

Code: IC 9-20-8-2

Enrolled Act: HEA 1087, SECTION 346

Summary: Clarifies the fee amount for special towing permits.

Effective Date: July 1, 2016

Code: IC 9-20-9-10

Enrolled Act: HEA 1087, SECTION 348

Summary: Defines “person” for the purposes of the tractor-mobile home rig permit requirements.

Effective Date: July 1, 2016

Code: IC 9-20-14-0.5

Enrolled Act: HEA 1087, SECTION 349

Summary: Clarifies the fee amount for tractor-mobile home rig permits.

Effective Date: July 1, 2016

Code: IC 9-20-14-2

Enrolled Act: HEA 1087, SECTION 351

Summary: Clarifies that the fee referenced is found in IC 9-20-14-2, not IC 9-29.

Effective Date: July 1, 2016

Code: IC 9-20-14-6

Enrolled Act: HEA 1087, SECTION 352

Summary: Defines “person” for the purposes of the special tractor-mobile home rig permit requirements.

Effective Date: July 1, 2016

Code: IC 9-20-15-0.5

Enrolled Act: HEA 1087, SECTION 353

Summary: Clarifies the fee amount for special tractor-mobile home rig permits.

Effective Date: July 1, 2016

Code: IC 9-20-15-1

Enrolled Act: HEA 1087, SECTION 354

Summary: Clarifies the fee amount for special tractor-mobile home rig permits for manufacturers or their agents to transport a tractor mobile-home rig to a storage lot.

Effective Date: July 1, 2016

Code: IC 9-20-15-2.1

Enrolled Act: HEA 1087, SECTION 356

Summary: Clarifies the fee amount for extra wide manufactured home rig permits.

Effective Date: July 1, 2016

Code: IC 9-20-15-6

Enrolled Act: HEA 1087, SECTION 357

Summary: Clarifies that the fee referenced is found in IC 9-20-15-1, not IC 9-29.

Effective Date: July 1, 2016

Code: IC 9-20-14-6

Enrolled Act: HEA 1087, SECTION 358

Summary: Increases from \$10,000 to \$25,000 the required proof of ability to respond in damages for each motor vehicle registered for liability that arises out of the ownership, maintenance, or use of the motor vehicle because of injury to or destruction of property in any one accident.

Effective Date: July 1, 2016

Code: IC 9-25-2-3

Enrolled Act: SEA 40, SEC. 1

Summary: Beginning July 1, 2017, increases the proof of financial responsibility requirements for motor vehicle registration from \$10,000 to \$25,000 for damages to or destruction of property in any one accident.

Effective Date: July 1, 2016

Code: IC 9-25-4-5

Enrolled Act: SEA 40, SEC. 2

Summary: Beginning July 1, 2017, increases the proof of self-insurance for financial responsibility requirements for motor vehicle registration from \$40,000 to \$50,000 in cash or securities that may legally be purchased by savings banks or trust funds with a market value of the same amount.

Effective Date: July 1, 2016

Code: IC 9-25-4-10

Enrolled Act: SEA 40, SEC. 3

Summary: Expires Title 9, Article 29, Chapter 5, dealing with fees for vehicle registrations after December 31, 2016.

Effective Date: July 1, 2016

Code: IC 9-29-5-47.2

Enrolled Act: HEA 1087, SECTION 579

Summary: Establishes the Achieving a Better Life Experience (ABLE) Program, a federal tax-preferred savings account program that must be established by a state in order for its residents to participate. The ABLE program aims to ease financial strains faced by individuals with disabilities by making tax-free savings accounts available to cover qualified expenses such as education, housing, and transportation.

Effective Date: July 1, 2016

Code: IC 12-11-14

Enrolled Act: SEA 11, SEC. 8

Summary: Eliminates the authority of the department to impose a lien on the property of an owner or operator of an underground storage tank if the owner or operator fails to pay the appropriate fees due under IC 13-23-12-1.

Effective Date: July 1, 2016

Code: IC 13-23-7-10

Enrolled Act: SEA 255, SEC. 21

Summary: Not later than July 1, 2016, the Department of Education, in consultation with the Commission for Higher Education, the Department of Revenue, and the Ivy Tech Community College board of trustees, shall develop a procedure for measuring the following for credential or degree completers and separately for current or previously enrolled students of Ivy Tech Community College: (1) the percentage of credential or degree completers or students employed within one (1) year of graduation or separation; (2) the median, minimum, and maximum starting salary of graduates or students within one year of completion or separation; and (3) the median, minimum, and maximum starting salary of graduates or students within five years of completion or separation

Effective Date: Upon Passage

Code: IC 22-4.1-4-13

Enrolled Act: SEA 301, SEC. 17

Summary: Defines "eligible telecommunications carrier" to be a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission.

Effective Date: Upon Passage

Code: IC 36-8-16.6-3.5

Enrolled Act: SEA 213, SECTION 1

Summary: Defines "retail transaction" to mean the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The term shall not include a transaction in which an eligible telecommunications carrier receives Lifeline reimbursement from the universal service fund.

Effective Date: Upon Passage

Code: IC 36-8-16.6-9

Enrolled Act: SEA 213, SECTION 2

Summary: Requires the Statewide 9-1-1 Board to impose an enhanced prepaid wireless charge on each retail transaction. The charge is not required to be paid by an eligible telecommunications carrier that is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32 for the same transaction.

Effective Date: Upon Passage

Code: IC 36-8-16.6-11

Enrolled Act: SEA 213, SECTION 3

Summary: Established that the enhanced prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, except as provided in IC 36-8-16.6-15, a seller is liable to remit to the Department of Revenue all enhanced prepaid wireless charges that the seller collects from consumers under IC 36-8-16.6-12, including all charges that the seller is considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

Effective Date: Upon Passage

Code: IC 36-8-16.6-13

Enrolled Act: SEA 213, SECTION 4

Summary: Provides that a seller or an eligible telecommunications carrier may deduct and retain one percent (1%) of enhanced prepaid wireless charges that the seller or eligible telecommunications carrier collects from consumers under IC 36-8-16.6-11 or IC 36-8-16.6-12 to reimburse the direct costs incurred by the seller or eligible telecommunications carrier in collecting and remitting enhanced prepaid wireless the charges.

Effective Date: Upon Passage

Code: IC 36-8-16.6-15

Enrolled Act: SEA 213, SECTION 5

Summary: Requires the department to adopt rules to establish alternative methods: (1) of simplifying return filing for race team members, if the team is not based in Indiana; and (2) for a race team not based in Indiana to file a composite return on behalf of and covering more than one race team member if the same amount of tax is remitted as if individual filings had occurred. Filing a composite return under this subdivision exempts: (A) a race team member covered by the return from having an individual income tax return filing requirement with respect to the income reported on the composite return; and (B) a race team that is not based in Indiana from a filing requirement only with respect to team members included on the composite return.

Effective Date: January 1, 2014 (RETROACTIVE)

Code: Non Code

Enrolled Act: SEA 173, SEC. 1

Summary: Requires the Legislative Services Agency to study (1) the combined reporting approach to apportioning income for income tax purposes and (2) issue related to transfer pricing under the adjusted gross income tax law. The legislative services agency may request the department of state revenue to furnish information necessary to complete each required study.

Effective Date: Upon Passage

Code: Non Code

Enrolled Act: SEA 323, SEC. 1

Summary: Clarifies that the increased distributor's discount in IC 6-7-1-17 applies only to cigarette stamps purchased after June 30, 2016 and the increased collection allowance in IC 6-7-2-13 applies only to cigarette tax collected after June 30, 2016. The timing limitations for the increased distributor's discount and the increased collection allowance expire June 30, 2017.

Effective Date: July 1, 2016

Code: Non Code

Enrolled Act: SEA 381, SEC. 8

Summary: Beginning July 1, 2017, subjects vehicles owned or otherwise held as inventory by a person licensed as a dealer under IC 9-32 to the motor vehicle excise tax.

Effective Date: July 1, 2016

Code: Non Code

Enrolled Act: HEA 1365, SEC. 2

PART II

LEGISLATION BY ENROLLED ACT NUMBER

SENATE BILLS

SEA 11

Summary: Establishes the Achieving a Better Life Experience (ABLE) Program, a federal tax-preferred savings account program that must be established by a state in order for its residents to participate. The ABLE program aims to ease financial strains faced by individuals with disabilities by making tax-free savings accounts available to cover qualified expenses such as education, housing, and transportation.

Effective Date: July 1, 2016

Code: IC 12-11-14

Enrolled Act: SEA 11, SEC. 8

SEA 23

Summary: Provides that employees may withdraw money contributed after December 31, 2015, to an employee medical savings account plan without penalty and without the withdrawn principal amount being subject to income tax provided that no exemption applies to the employer contribution under IC 6-3-2-18(c) and no exemption or exclusion applied under the Internal Revenue Code at the time of contribution.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-8-11-11.5

Enrolled Act: SEA 23, SEC. 8

Summary: Makes technical corrections to internal references in IC 6-8-11.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-8-11-17

Enrolled Act: SEA 23, SEC. 9

Summary: Makes technical corrections to internal references in IC 6-8-11.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-8-11-23

Enrolled Act: SEA 23, SEC. 10

SEA 40

Summary: Increases from \$10,000 to \$25,000 the required proof of ability to respond in damages for each motor vehicle registered for liability that arises out of the ownership, maintenance, or use of the motor vehicle because of injury to or destruction of property in any one accident.

Effective Date: July 1, 2016

Code: IC 9-25-2-3

Enrolled Act: SEA 40, SEC. 1

Summary: Beginning July 1, 2017, increases the proof of financial responsibility requirements for motor vehicle registration from \$10,000 to \$25,000 for damages to or destruction of property in any one accident.

Effective Date: July 1, 2016

Code: IC 9-25-4-5

Enrolled Act: SEA 40, SEC. 2

Summary: Beginning July 1, 2017, increases the proof of self-insurance for financial responsibility requirements for motor vehicle registration from \$40,000 to \$50,000 in cash or securities that may legally be purchased by savings banks or trust funds with a market value of the same amount.

Effective Date: July 1, 2016

Code: IC 9-25-4-10

Enrolled Act: SEA 40, SEC. 3

SEA 173

Summary: Requires the department to adopt rules to establish alternative methods: (1) of simplifying return filing for race team members, if the team is not based in Indiana; and (2) for a race team not based in Indiana to file a composite return on behalf of and covering more than one (1) race team member if the same amount of tax is remitted as if individual filings had occurred. Filing a composite return under this subdivision exempts: (A) a race team member covered by the return from having an individual income tax return filing requirement with respect to the income reported on the composite return; and (B) a race team that is not based in Indiana from a filing requirement only with respect to team members included on the composite return.

Effective Date: January 1, 2014 (RETROACTIVE)

Code: IC 6-3-2-3.2

Enrolled Act: SEA 173, SEC. 1

Summary: Makes (a) rules, guidelines, or other instructions adopted by the department under IC 6-3-2-3.2(d) apply to taxable years beginning after December 31, 2013. Provides that this section expires July 1, 2019.

Effective Date: January 1, 2014 (RETROACTIVE)

Code: Non Code

Enrolled Act: SEA 173, SEC. 2

SEA 213

Summary: Defines "eligible telecommunications carrier" to be a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission.

Effective Date: Upon Passage

Code: IC 36-8-16.6-3.5

Enrolled Act: SEA 213, SECTION 1

Summary: Defines “retail transaction” to mean the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The term shall not include a transaction in which an eligible telecommunications carrier receives Lifeline reimbursement from the universal service fund.

Effective Date: Upon Passage

Code: IC 36-8-16.6-9

Enrolled Act: SEA 213, SECTION 2

Summary: Requires the Statewide 9-1-1 Board to impose an enhanced prepaid wireless charge on each retail transaction. The charge is not required to be paid by an eligible telecommunications carrier that is required to pay the monthly statewide 911 fee under IC 36-8-16.7-32 for the same transaction.

Effective Date: Upon Passage

Code: IC 36-8-16.6-11

Enrolled Act: SEA 213, SECTION 3

Summary: Established that the enhanced prepaid wireless charge is the liability of the consumer and not of the seller or a provider. However, except as provided in IC 36-8-16.6-15, a seller is liable to remit to the Department of Revenue all enhanced prepaid wireless charges that the seller collects from consumers under IC 36-8-16.6-12, including all charges that the seller is considered to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

Effective Date: Upon Passage

Code: IC 36-8-16.6-13

Enrolled Act: SEA 213, SECTION 4

Summary: Provides that a seller or an eligible telecommunications carrier may deduct and retain one percent (1%) of enhanced prepaid wireless charges that the seller or eligible telecommunications carrier collects from consumers under IC 36-8-16.6-11 or IC 36-8-16.6-12 to reimburse the direct costs incurred by the seller or eligible telecommunications carrier in collecting and remitting enhanced prepaid wireless the charges.

Effective Date: Upon Passage

Code: IC 36-8-16.6-15

Enrolled Act: SEA 213, SECTION 5

SEA 233

Summary: Provides for space on state income tax forms to enable a taxpayer to donate all or part of the taxpayer's tax refund to the military family relief fund. Provides that if a taxpayer is not entitled to a refund or has designated all of the taxpayer's refund be directed to one of the allowable funds, the taxpayer may make an additional contribution on the taxpayer's income tax return to the military family relief fund.

Effective Date: July 1, 2016

Code: IC 6-8.1

Enrolled Act: SEA 233, SECTION 1

SEA 238

Summary: Revises how one-sixth of the money in the cigarette tax fund is annually appropriated to the Department of Natural Resources and to the Division of Soil Conservation of the Department of Agriculture.

Effective Date: July 1, 2016

Code: IC 6-7-1-29.1

Enrolled Act: SEA 238, SEC. 2

SEA 255

Summary: Eliminates the authority of the department to impose a lien on the property of an owner or operator of an underground storage tank if the owner or operator fails to pay the appropriate fees due under IC 13-23-12-1.

Effective Date: July 1, 2016

Code: IC 13-23-7-10

Enrolled Act: SEA 255, SEC. 21

SEA 295

Summary: Requires the Department of Revenue to modify state income tax forms to enable a taxpayer to donate all or part of the taxpayer's refund to the military family relief fund.

Effective Date: July 1, 2016

Code: IC 6-8.1-9-4

Enrolled Act: SEA 295, SEC. 1

SEA 301

Summary: Not later than July 1, 2016, the department of education, in consultation with the commission for higher education, the department of state revenue, and the Ivy Tech Community College board of trustees, shall develop a procedure for measuring the following for credential or degree completers and separately for current or previously enrolled students of Ivy Tech Community College: (1) the percentage of credential or degree completers or students employed within one (1) year of graduation or separation; (2) the median, minimum, and maximum starting salary of graduates or students within one year of completion or separation; and (3) the median, minimum, and maximum starting salary of graduates or students within five years of completion or separation.

Effective Date: Upon Passage

Code: IC 22-4.1-4-13

Enrolled Act: SEA 301, SEC. 17

SEA 308

Summary: This section applies to a county in which the adopting body: (1) is the local income tax council; and (2) did not allocate the revenue under this chapter from an expenditure rate of at least one-tenth of one percent (0.1%) to pay for a public safety answering points (PSAP) system in the county for a year. A county fiscal body may adopt an ordinance to impose a tax rate for a PSAP in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed one-tenth of one percent (0.1%). The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used only for paying for a PSAP in the county.

Effective Date: July 1, 2016

Code: IC 6-3.6-6-3

Enrolled Act: SEA 308, SEC. 16

SEA 309

Summary: Defines “construction material” to mean any tangible personal property to be converted into real property.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-1-14.7

Enrolled Act: SEA 309, SEC. 14

Summary: Defines “contractor” to mean any person engaged in converting construction material into real property on behalf of another person. The term includes, but is not limited to, general or prime contractors, subcontractors, and specialty contractors.

Effective Date: July 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-1-14.9

Enrolled Act: SEA 309, SEC. 15

Summary: Defines “facilitator” to mean a person who: (1) contracts or otherwise enters into an agreement: (A) with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and (B) to market rooms, lodgings, or accommodations through the Internet; and (2) accepts payment from the consumer for the room, lodging, or accommodation. The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act (IC 25-34.1) or the owner of the room, lodging, or accommodation.

Effective Date: July 1, 2017

Code: IC 6-2.5-1-19.5

Enrolled Act: SEA 309, SEC. 16

Summary: Defines "time and material contract" to mean a contract in which the cost of construction material and the cost of labor or other charges are stated separately.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-1-27.7

Enrolled Act: SEA 309, SEC. 17

Summary: Clarifies that the use tax is imposed on a contractor's conversion of construction material into real property if that construction material was purchased by the contractor. Provides that a contractor's conversion of construction material into real property is exempt from the use tax if: (1) the state gross retail or use tax was previously imposed on the contractor's acquisition or use of that construction material; (2) the person for whom the construction material is being converted could have purchased the material exempt, as evidenced by a properly completed exemption certificate; or (3) the conversion of the construction material into real property was governed by a time and material contract as described in IC 6-2.5-4-9(b).

Effective Date: JANUARY 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-3-2

Enrolled Act: SEA 309, SEC. 18

Summary: Specifies that a person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations if those rooms, lodgings, or other accommodations are located in a house, condominium, or apartment in which rooms, lodgings, or accommodations are rented or furnished for transient residential housing. Specifies that a facilitator is a retail merchant making a retail transaction when the facilitator accepts payment from the consumer for a room, lodging, or accommodation rented or furnished in Indiana.

Effective Date: JULY 1, 2017

Code: IC 6-2.5-4-4

Enrolled Act: SEA 309, SEC. 19

Summary: Requires that retail merchants making retail transactions under IC 6-2.5-4-4 provide to the consumer of the accommodation an itemized statement. The itemized state shall include: (1) the part of the gross retail income that is charged by the retail merchant for renting or furnishing the accommodation; (2) any amount collected by the retail merchant for the state gross retail or use tax and any innkeeper's tax due under IC 6-9; and (3) any part of the gross retail income that is a fee, commission, or other charge of the facilitator. Imposes a penalty of twenty-five dollars (\$25) on each retail transaction in which a facilitator fails to separately state the information required.

Effective Date: JULY 1, 2017

Code: IC 6-2.5-4-4.2

Enrolled Act: SEA 309, SEC. 20

Summary: Specifies that a contractor is a retail merchant making a retail transaction when the contractor: (1) disposes of tangible personal property; or (2) converts tangible personal property into real property under a time and material contract. Requires contractors acting as retail merchants to collect and remit, as an agent of the state, the state gross retail tax imposed on the resale of construction material as provided in Article 2.5.

Effective Date: JANUARY 1, 2010 (RETROACTIVE)

Code: IC 6-2.5-4-9

Enrolled Act: SEA 309, SEC. 21

Summary: Eliminates the “cutting of steel bars into billets” from the list of activities that shall be treated as the processing of tangible personal property for purposes of the sales tax exemption for manufacturing machinery, tools, and equipment acquired for direct use in direct production.

Effective Date: JANUARY 1, 2017

Code: IC 6-2.5-5-3

Enrolled Act: SEA 309, SEC. 22

Summary: Expands the \$1,500 deduction, for taxable years beginning after December 31, 2017, for dependent children to include certain individuals for whom the taxpayer is the legal guardian, but not the parent.

Effective Date: January 1, 2018

Code: IC 6-3-1-3.5

Enrolled Act: SEA 309, SEC. 23

Summary: Eliminates the credit against adjusted gross income for contributions to the twenty-first century scholars program.

Effective Date: January 1, 2017

Code: IC 6-3-3-5.1

Enrolled Act: SEA 309, SEC. 24

Summary: Clarifies that a taxpayer who makes a contribution to a college choice 529 education savings plan is considered to have made the contribution on the date that: (1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a college choice 529 education savings plan by mail or delivery service; or (2) the taxpayer's electronic funds transfer is initiated, for contributions that are submitted to a college choice 529 education savings plan by electronic funds transfer.

Effective Date: January 1, 2016

Code: IC 6-3-3-12

Enrolled Act: SEA 309, SEC. 25

Summary: Provides that the credit a hospital is entitled to against the hospital's adjusted gross income tax liability for the taxable year equal to ten percent (10%) of the property taxes paid in Indiana for the taxable year on property used as a hospital may be carried forward to a succeeding tax year.

Effective Date: July 1, 2016

Code: IC 6-3-3-14.6

Enrolled Act: SEA 309, SEC. 26

Summary: Provides that if a partnership fails to withhold and pay any amount of tax required to be withheld and thereafter the tax is paid by the partners, the amounts of tax as paid by the partners shall not be collected from the partnership but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

Effective Date: July 1, 2016

Code: IC 6-3-4-12

Enrolled Act: SEA 309, SEC. 27

Summary: Provides that if a trust or estate fails to withhold and pay any amount of tax required to be withheld and thereafter the tax is paid by the beneficiaries, the amounts of tax as paid by the beneficiaries shall not be collected from the trust or estate but it may not be relieved from liability for interest or penalty otherwise due in respect to the failure to withhold under IC 6-8.1-10.

Effective Date: July 1, 2016

Code: IC 6-3-4-15

Enrolled Act: SEA 309, SEC. 28

Summary: Provides that a taxpayer has twenty (instead of the previous ten) days from the date the department mails a demand notice for the payment of a tax and any interest or penalties accrued on the tax, to either pay the amount demanded or show reasonable cause for not paying the amount demanded.

Effective Date: July 1, 2016

Code: IC 6-8.1-8-2

Enrolled Act: SEA 309, SEC. 29

Summary: Makes technical corrections to references to IC-6-3-4-12.

Effective Date: July 1, 2016

Code: IC 6-8.1-10-2.1

Enrolled Act: SEA 309, SEC. 30

Summary: Provides that if an ordinance has been adopted requiring the payment of the innkeeper's tax to the county treasurer instead of the department of state revenue, the county treasurer has the same rights and powers with respect to collecting and refunding the county innkeeper's tax as the Department of Revenue.

Effective Date: July 1, 2016

Code: IC 6-9-29-3

Enrolled Act: SEA 309, SEC. 31

Summary: Makes technical corrections to references to IC-6-2.5-4-9.

Effective Date: January 1, 2010 (RETROACTIVE)

Code: IC 8-15-3-23

Enrolled Act: SEA 309, SEC. 32

SEA 323

Summary: Requires the Legislative Services Agency to study (1) the combined reporting approach to apportioning income for income tax purposes and (2) issue related to transfer pricing under the adjusted gross income tax law. The legislative services agency may request the department of state revenue to furnish information necessary to complete each required study.

Effective Date: Upon Passage

Code: Non-Code

Enrolled Act: SEA 323, SEC. 1

SEA 325

Summary: Defines "qualified contribution" to mean a contribution to a fund for which a community development corporation has received an allocation of tax credits under IC 4-4-28-13.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3.1-18-4.5

Enrolled Act: SEA 325, SEC. 10

Summary: Clarifies that the Department of Revenue shall grant a tax credit against any state liability due equal to fifty percent of the amount of a "qualified contribution" made in the taxable year if the contribution is not less than \$100 and not more than \$50,000.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3.1-18-6

Enrolled Act: SEA 325, SEC. 11

Summary: Requires that a person or an individual who desires to claim a tax credit under IC 6-3.1-18 shall file with the Department of Revenue, in the form approved by the department, an application stating the amount of the qualified contribution that the person or individual proposes to make and the amount sought to be claimed as a credit.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3.1-18-9

Enrolled Act: SEA 325, SEC. 12

SEA 339

Summary: Entry fees and other revenues received by a licensee under a contract with a game operator for conducting paid fantasy sports games are not considered to be received from a licensee's gaming operations and are not subject to: (1) a wagering tax imposed under IC 4-33-13 or IC 4-35-8; (2) the fee imposed under IC 4-35-8.5; (3) the distribution required under IC 4-35-7-12; or (4) any other tax or fee imposed upon a licensee under IC 4-31, IC 4-33, or IC 4-35.

Effective Date: July 1, 2016

Code: IC 4-33-13-5

Enrolled Act: SEA 339, SEC. 27
SEA 371

Summary: Directs that inheritance tax returns filed after March 31, 2016 be filed with the Department of Revenue.

Effective Date: Upon Passage

Code: IC 6-4.1-4-1

Enrolled Act: SEA 371, SEC. 2

Summary: Provides that if the Department of Revenue finds that because of an unavoidable delay an inheritance tax return cannot be filed before the deadline established by the appropriate probate court or the department, the department may extend the period for filing the return. After the expiration of the first extension period, the department of state revenue may grant a subsequent extension if the person seeking the extension files a written petition that states the reason for the delay in filing the return.

Effective Date: Upon Passage

Code: IC 6-4.1-4-2

Enrolled Act: SEA 371, SEC. 3

Summary: Provides that except in cases where the Department of Revenue finds that the person had a justifiable excuse for not filing the return on or before the due date, the department shall charge a person who fails to file an inheritance tax return on or before the due date a penalty in an amount that equals: (1) fifty cents (\$0.50) per day for each day that the return is delinquent; or (2) fifty dollars (\$50); whichever is less.

Effective Date: Upon Passage

Code: IC 6-4.1-4-6

Enrolled Act: SEA 371, SEC. 4

Summary: Eliminates the requirement for inheritance tax returns filed after March 31, 2016 for the probate court to refer filed inheritance tax returns to the county inheritance tax appraiser.

Effective Date: Upon Passage

Code: IC 6-4.1-5-2

Enrolled Act: SEA 371, SEC. 5

Summary: Provides that for inheritance tax returns that would otherwise have been due after March 31, 2016, the personal representative of a decedent's estate or trustee may file a verified petition with the Department of Revenue requesting that the department enter an order stating that no inheritance tax is due.

Effective Date: Upon Passage

Code: IC 6-4.1-5-7

Enrolled Act: SEA 371, SEC. 10

Summary: Provides guidance for how the Department of Revenue shall conduct a hearing on the petition for an order of no inheritance tax due under section IC 6-4.1-5.-7(1).

Effective Date: Upon Passage

Code: IC 6-4.1-5-8

Enrolled Act: SEA 371, SEC. 11

Summary: Provides that if an order stating the amount of inheritance tax due as a result of the death of a decedent who died before January 1, 2013, has not been issued as of the close of business on March 31, 2016, the Department of Revenue shall determine the fair market value of the property interests transferred by the resident decedent and the amount of inheritance tax due as a result of the decedent's death. The department shall then enter an order stating the amount of inheritance tax due and the fees due witnesses under section 4 of this chapter. If the department finds that no inheritance tax is due, the department shall include a statement to that effect in the order. The department shall prepare the order required by this subsection on a form prescribed by the department. The department shall include in the order a description of all Indiana real property owned by the resident decedent at the time of the decedent's death. The department shall spread the order of record in the office of the clerk of the appropriate circuit court. The clerk shall maintain the orders in a loose-leaf ledger.

Effective Date: Upon Passage

Code: IC 6-4.1-5-10

Enrolled Act: SEA 371, SEC. 13

Summary: Provides that the Department of Revenue shall immediately mail a copy of its determination of the fair market value of the property interests transferred by a resident decedent and the inheritance tax due as a result of the person's death to each interested person who filed a request for notice and provided a mailing address under IC 6-4.1-5-3(b).

Effective Date: Upon Passage

Code: IC 6-4.1-5-11

Enrolled Act: SEA 371, SEC. 14

Summary: Provides that for inheritance tax returns filed after March 31, 2016, for purposes of determining the inheritance tax imposed on a decedent's transfer of specific property, the Department of Revenue shall, so far as possible, determine the manner in which the property will probably be distributed if: (1) a contingency makes it impossible to determine each transferee's exact interest in the property; and (2) the department and the taxpayer fail, within a reasonable time, to enter into an agreement under section 3 of this chapter.

Effective Date: Upon Passage

Code: IC 6-4.1-6-4

Enrolled Act: SEA 371, SEC. 17

Summary: Provides that for an inheritance tax return filed after March 31, 2016, a person who is dissatisfied with an inheritance tax determination made by the Department of Revenue with respect to a resident decedent's estate may obtain a hearing on the determination. To obtain the hearing, the person must file a petition for a hearing with the appropriate probate court within one hundred twenty (120) days after the determination is made. In the petition, the person must state the grounds for the hearing. The probate court shall base the hearing on evidence presented to the department plus any additional evidence which the court elects to hear.

Effective Date: Upon Passage

Code: IC 6-4.1-7-1

Enrolled Act: SEA 371, SEC. 19

Summary: Provides that for an inheritance tax return filed after March 31, 2016, a person who is dissatisfied with an appraisal made by the Department of Revenue with respect to a resident decedent's estate may obtain a reappraisal of the property interest involved. To obtain the reappraisal, the person must file a petition for reappraisal with the probate court within one (1) year after the department enters an order determining the inheritance tax due as a result of the decedent's death. However, if the original appraisal is fraudulently or erroneously made, the person may file the reappraisal petition within two (2) years after the department enters the order.

Effective Date: Upon Passage

Code: IC 6-4.1-7-2

Enrolled Act: SEA 371, SEC. 20

Summary: Provides that an inheritance tax determination or an appraisal made by the Department of Revenue may not be directly appealed to the tax court. A person dissatisfied with an inheritance tax determination or an appraisal made by the department must have the inheritance tax determination or appraisal reviewed by the appropriate probate court under IC 6-4.1-7-1, IC 6-4.1-7-2 or IC 6-4.1-7-5, whichever is applicable. The probate court's action on the inheritance tax determination or an appraisal made by the department may be appealed to the tax court under IC 6-4.1-7-7.

Effective Date: Upon Passage

Code: IC 6-4.1-7-6.5

Enrolled Act: SEA 371, SEC. 23

Summary: Provides that, effective April 1, 2016, the Department of Revenue may reduce the interest rate from ten percent to six percent for all decedents.

Effective Date: Upon Passage

Code: IC 6-4.1-9-1

Enrolled Act: SEA 371, SEC. 24

Summary: Provides that for all inheritance tax returns filed after March 31, 2016, a person who is liable for inheritance tax imposed as a result of a resident decedent's death shall pay the tax to the Department of Revenue.

Effective Date: Upon Passage

Code: IC 6-4.1-9-5

Enrolled Act: SEA 371, SEC. 25

Summary: Provides how the Department of Revenue shall distribute inheritance tax revenues collected after March 31, 2016. The department shall distribute inheritance taxes collected as the result of the death of a resident decedent as follows: (1) retain ninety-two percent (92%) of the taxes collected for deposit in the state general fund; (2) retain any interest or penalties collected by the department for deposit in the state general fund; and (3) Subject to provisions in subsection (c) pertaining to consolidated cities, the department shall distribute eight percent (8%) of the taxes collected to the county treasurer of the county in which the resident decedent lived at the time of the resident decedent's death for deposit in the county general fund.

Effective Date: Upon Passage

Code: IC 6-4.1-9-6

Enrolled Act: SEA 371, SEC. 26

Summary: Eliminates the requirement for county treasurers to send quarterly reports of inheritance tax collections to the Department of Revenue.

Effective Date: Upon Passage

Code: IC 6-4.1-9-7

Enrolled Act: SEA 371, SEC. 27

Summary: Provides that in the case of an inheritance tax return filed after March 31, 2016, the probate court having jurisdiction does not have the power to make original inheritance tax determinations. The probate court may hear the following matters with respect to an inheritance tax return filed after March 31, 2016, for a resident decedent: (1) any matter subject to IC 6-4.1-4-3 through IC 6-4.1-4-5; (2) any matter subject to IC 6-4.1-5-13; (3) petitions for a redetermination of inheritance tax due or a reappraisal of a property interest under IC 6-4.1-7; and (4) an appeal of a refund order under IC 6-4.1-10-4.

Effective Date: Upon Passage

Code: IC 6-4.1-12-1

Enrolled Act: SEA 371, SEC. 29

Summary: Provides that in the case of an inheritance tax return filed after March 31, 2016, the Department of Revenue shall have the power to appraise property interest for a resident decedent.

Effective Date: Upon Passage

Code: IC 6-4.1-12-2

Enrolled Act: SEA 371, SEC. 30

SEA 378

Summary: Going forward, IEDC is authorized to request that the Department of Revenue impose an assessment for noncompliance with the requirements to receive the EDGE Credit.

Effective Date: July 1, 2016

Code: IC 6-3.1-13-22

Enrolled Act: SEA 378, SEC. 28

Summary: Going forward, IEDC is authorized to request that the department impose an assessment for noncompliance with the requirements to receive the Hoosier Business Investment Credit.

Effective Date: July 1, 2016

Code: IC 6-3.1-26-23

Enrolled Act: SEA 378, SEC. 34

Summary: Going forward, IEDC is authorized to request that the department impose an assessment for noncompliance with the requirements to receive the Hoosier Alternative Fuel vehicle Manufacturer Tax Credit.

Effective Date: July 1, 2016

Code: IC 6-3.1-31.9-20

Enrolled Act: SEA 378, SEC. 39

SEA 381

Summary: Removes “cigarette papers” and “wrappers” from the definition of “cigarettes” for purposes of the cigarette tax.

Effective Date: July 1, 2016

Code: IC 6-7-1-2

Enrolled Act: SEA 381, SEC. 1

Summary: Removes “books and sets of papers,” “wrappers” and “tubes” from the definition of “individual package” for purposes of the cigarette tax.

Effective Date: July 1, 2016

Code: IC 6-7-1-3

Enrolled Act: SEA 381, SEC. 2

Summary: Clarifies that cigarette stamps shall not be imprinted upon individual packages of cigarette papers or tubes.

Effective Date: July 1, 2016

Code: IC 6-7-1-9

Enrolled Act: SEA 381, SEC. 3

Summary: Removes subsection of pre-existing law that enumerated the tax rates to be charged on cigarette papers, wrappers and tubes.

Effective Date: July 1, 2016

Code: IC 6-7-1-12

Enrolled Act: SEA 381, SEC. 4

Summary: Removes subsection of pre-existing law that enumerated the tax rates to be charged on cigarette papers, wrappers and tubes.

Effective Date: July 1, 2016

Code: IC 6-7-1-14

Enrolled Act: SEA 381, SEC. 5

Summary: Increases the discount at which distributors who hold certificates shall be entitled to purchase cigarette tax stamps from \$0.012 to \$0.013 per individual package of cigarettes.

Effective Date: July 1, 2016

Code: IC 6-7-1-17

Enrolled Act: SEA 381, SEC. 6

Summary: Increases the collection allowance distributors are entitled to retain from the collection of cigarette tax from .006 to .007 of the amount due.

Effective Date: July 1, 2016

Code: IC 6-7-2-13

Enrolled Act: SEA 381, SEC. 7

Summary: Clarifies that the increased distributor's discount in IC 6-7-1-17 applies only to cigarette stamps purchased after June 30, 2016, and the increased collection allowance in IC 6-7-2-13 applies only to cigarette tax collected after June 30, 2016. The timing limitations for the increased distributor's discount and the increased collection allowance expire June 30, 2017.

Effective Date: July 1, 2016

Code: Non-Code

Enrolled Act: SEA 381, SEC. 8

HOUSE BILLS

HEA 1001

Summary: Makes significant changes to the way in which the department deposits collections of the Gasoline Use Tax ("GUT"). Amounts collected under GUT shall be determined separately from the collection of sales and use taxes under IC 6-2.5. Money collected shall be deposited from two pools of money (GUT collections and all other sales and use tax collections) instead of one. Also changes the general allocation of sales and use tax collections.

Effective Date: July 1, 2016

Code: IC 6-2.5-10-1

Enrolled Act: HEA 1001, SEC. 4

Summary: Defines "Transportation asset management plan."

Effective Date: July 1, 2016

Code: IC 6-3.5-4-1

Enrolled Act: HEA 1001, SEC. 5

Summary: Allows counties using a transportation asset management plan approved by INDOT to impose an annual license excise surtax on motor vehicles. The tax may be imposed at a rate of at least two percent (2%) and not more than twenty percent (20%), or at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than (\$50).

Effective Date: July 1, 2016

Code: IC 6-3.5-4-2

Enrolled Act: HEA 1001, SEC. 6

Summary: Allows counties using a transportation asset management plan approved by INDOT to impose a wheel tax on each vehicle registered in the county. The tax may not be less than five dollars (\$5) and may not exceed eighty dollars (\$80).

Effective Date: July 1, 2016

Code: IC 6-3.5-5-2

Enrolled Act: HEA 1001, SEC. 9

Summary: Allows eligible municipalities to adopt an ordinance to impose an annual license excise surtax on each motor vehicle registered in the eligible municipality. Ordinances shall be sent to the Commissioner of the Bureau of Motor Vehicles.

Effective Date: UPON PASSAGE

Code: IC 6-3.5-10

Enrolled Act: HEA 1001, SEC. 11

Summary: Allows eligible municipalities that have adopted an ordinance to impose an annual license excise tax to impose a municipal wheel tax. Ordinances shall be sent to the Commissioners of the Bureau of Motor Vehicles and the Department of Revenue. If the wheel tax for a commercial vehicle is collected directly by the department, the Commissioner of the department shall: (1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and (2) file a wheel tax collections report with the fiscal officer of the appropriate municipality in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

Effective Date: UPON PASSAGE

Code: IC 6-3.5-11

Enrolled Act: HEA 1001, SEC. 12

Summary: Dictates the manner in which amounts collected by the department under tax amnesty shall be distributed.

Effective Date: UPON PASSAGE

Code: IC 6-8.1-3-25

Enrolled Act: HEA 1001, SEC. 13

HEA 1040

Summary: Authorizes the fiscal officer of any municipality within Allen County to request the county auditor to determine the percentage amount of the county supplemental food and beverage tax that is collected in the preceding year in: (1) each municipality; and (2) the unincorporated territory of the county. The county auditor shall compile and report to the requesting fiscal officer using data provided by the Department of Revenue pursuant to IC 6-8.1-3-7.1.

Effective Date: July 1, 2016

Code: IC 6-9-33-7.5

Enrolled Act: HEA 1040, SEC. 4

HEA 1046

Summary: Exempts transactions involving the sale of or the lease or rental of storage for bullion or currency from the state gross retail tax if: (1) the coins are permitted investments by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m); (2) the bullion is a permitted investment by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m); or (3) the coins are legal tender.

Effective Date: July 1, 2016

Code: IC 6-2.5-5-47

Enrolled Act: HEA 1046, SEC. 1

HEA 1081

Summary: Specifies that reference to IC 9-30 will be replaced with references to IC 9-20-18 for purposes of the listed taxes.

Effective Date: July 1, 2016

Code: IC 6-8.1-1-1

Enrolled Act: HEA 1081, SECTION 57

Summary: Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires, and changes reference from IC 6-5.5-6-6(d) to IC 6-5.5-6-6(e).

Effective Date: July 1, 2016

Code: IC 6-8.1-5-2

Enrolled Act: HEA 1081, SECTION 58

Summary: Specifies that the local income tax is a listed tax. Also repeals the regional development improvement income tax and the emergency and hazardous chemical inventory for fee as listed taxes.

Effective Date: July 1, 2017

Code: IC 6-8.1-1-1

Enrolled Act: HEA 1081, SECTION 74

Summary: Specifies that the Department of Revenue has six (6) years to issue a proposed assessment against a person who underreports local income tax by at least twenty-five (25) percent.

Effective Date: July 1, 2017

Code: IC 6-8.1-5-2

Enrolled Act: HEA 1081, SECTION 76

HEA 1087

Summary: Relocates the department's authority to impose a service charge of fifteen cent (\$0.15) on the collection of the county motor vehicle excise surtax, which will be deposited in the motor carrier regulation fund.

Effective Date: July 1, 2016

Code: IC 6-3.5-4-15.5

Enrolled Act: HEA 1087, SECTION 23

Summary: Relocates the department's authority to impose a service charge of fifteen cent (\$0.15) on the collection of the county wheel tax, which will be deposited in the motor carrier regulation fund.

Effective Date: July 1, 2016

Code: IC 6-3.5-5-9

Enrolled Act: HEA 1087, SECTION 25

Summary: Clarifies that the department must remit the wheel tax and file a collections report with the county auditor in the same manner and time as the bureau of motor vehicles.

Effective Date: July 1, 2016

Code: IC 6-3.5-5-13

Enrolled Act: HEA 1087, SECTION 26

Summary: Provides that for purposes of the special fuel tax refund available to intercity bus operators, the term "intercity bus" has been replaced by the term "for-hire bus," which is a new term defined at IC 9-13-2-66.7 and created elsewhere in HEA 1087 to replace "intercity bus."

Effective Date: July 1, 2016

Code: IC 6-6-2.5-32.5

Enrolled Act: HEA 1087, SECTION 27

Summary: Clarifies that the motor carrier fuel tax does not apply to any bus type. Further, specifies that reference to IC 9-18 will be replaced with reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-4.1-2

Enrolled Act: HEA 1087, SECTION 28

Summary: Provides the definition of "yard tractor" to be tractor used to move semitrailers within a terminal, loading, or spotting facility.

Effective Date: July 1, 2016

Code: IC 6-6-4.1-13

Enrolled Act: HEA 1087, SECTION 29

Summary: Replaces reference to IC 9-14-3-1 with reference to 9-14-12-1, as IC 9-14-3 is repealed elsewhere in HEA 1087.

Effective Date: July 1, 2016

Code: IC 6-6-4.1-27

Enrolled Act: HEA 1087, SECTION 30

Summary: Clarifies that the motor vehicle excise tax does not apply to special machinery, buses, and vehicle subject to taxation under IC 6-6-5.1 and IC 6-6-5.5.

Effective Date: July 1, 2016

Code: IC 6-6-5-1

Enrolled Act: HEA 1087, SECTION 31

Summary: Provides that the calculation of prorating the motor vehicle excise tax will change to a new formula after December 31, 2016.

Effective Date: July 1, 2016

Code: IC 6-6-5-7.2

Enrolled Act: HEA 1087, SECTION 33

Summary: Specifies that references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires for the purposes of the department applying penalty or interest to a person who did not register their vehicle and pay the tax.

Effective Date: July 1, 2016

Code: IC 6-6-5-9

Enrolled Act: HEA 1087, SECTION 35

Summary: Clarifies that the excise tax on recreational vehicles does not apply to special machinery and vehicle subject to taxation under IC 6-6-5.5. Further, specifies that a reference to IC 9-18 will be replaced with a reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-1

Enrolled Act: HEA 1087, SECTION 38

Summary: Provides that the calculation of prorating the excise tax on recreational vehicles will change to a new formula after December 31, 2016.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-15

Enrolled Act: HEA 1087, SECTION 40

Summary: Specifies that references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires for the purposes of the department applying penalty or interest to a person did not register their vehicle and pay the tax.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-21

Enrolled Act: HEA 1087, SECTION 42

Summary: Clarifies that any person that recklessly issues a registration, not just an employee of the bureau of motor vehicles or a branch manager commits a Class B misdemeanor.

Effective Date: July 1, 2016

Code: IC 6-6-5.1-25

Enrolled Act: HEA 1087, SECTION 44

Summary: Provides that for purposes of the commercial vehicle excise tax, “declared gross weight” means the weight of a vehicle registered with the department. Further, specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-1

Enrolled Act: HEA 1087, SECTION 45

Summary: Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires. Clarifies that the commercial vehicle excise tax does not apply to vehicles subject to taxation under IC 6-6-5.1 and special machinery.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-2

Enrolled Act: HEA 1087, SECTION 46

Summary: Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires. Further, replaces reference to the “motor carrier services division” with reference to the “department.”

Effective Date: July 1, 2016

Code: IC 6-6-5.5-7

Enrolled Act: HEA 1087, SECTION 47

Summary: Specifies that a reference to IC 9-29 will be replaced with a reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-29 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-7.5

Enrolled Act: HEA 1087, SECTION 48

Summary: Clarifies the methodology for calculating the commercial vehicle excise tax on vehicles registered under the International Registration Plan. Specifies that all references to IC 9-18 will be replaced with references to IC 9-18.1, the new Article created by HEA 1087, once IC 9-18 expires.

Effective Date: July 1, 2016

Code: IC 6-6-5.5-10

Enrolled Act: HEA 1087, SECTION 49

Summary: Replaces reference to IC 9-14-3-7 with reference to 9-14-12-3, as IC 9-14-3 is repealed elsewhere in HEA 1087 for the purpose of transportation network company (TNC) requirements for TNC drivers.

Effective Date: July 1, 2016

Code: IC 8-2.1-23-2

Enrolled Act: HEA 1087, SECTION 60

Summary: Clarifies that the treasurer of the state shall deposit in the motor carrier regulation fund amounts collected by the department from fuel tax special trip permits, the annual registration fees for special weight permits and corresponding trip permit fees.

Effective Date: July 1, 2016

Code: IC 8-2.1-23-2

Enrolled Act: HEA 1087, SECTION 61

Summary: Specifies that a reference to IC 9-29 will be replaced with a reference to IC 9-18.1, the new Article created by HEA 1087, once IC 9-29 expires. Removes references to the federal laws Motor Carrier Safety Improvement Act (MCSIA) and Moving Ahead for Progress in the Twenty-first Century Act (MAP-21) that expired in October 2015. Clarifies that person that operated a vehicle for hire prior to September 1, 1985, is exempt from 49 CFR 391 instead of a “chauffeur.”

Effective Date: July 1, 2016

Code: IC 8-2.1-24-18

Enrolled Act: HEA 1087, SECTION 62

Summary: Removes the definition of “auxiliary power unit” and relocates the definition in IC 9-20-4-1.

Effective Date: July 1, 2016

Code: IC 9-13-2-10.2

Enrolled Act: HEA 1087, SECTION 84

Summary: Amends the term “bus” to include all bus types.

Effective Date: July 1, 2016

Code: IC 9-13-2-17

Enrolled Act: HEA 1087, SECTION 85

Summary: Removes the definition of “Class A recovery vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-26

Enrolled Act: HEA 1087, SECTION 88

Summary: Removes the definition of “Class B recovery vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-27

Enrolled Act: HEA 1087, SECTION 89

Summary: Clarifies that the definition of “commercial motor vehicle” has the same meaning as set forth in 49 CFR 383.5.

Effective Date: July 1, 2016

Code: IC 9-13-2-31

Enrolled Act: HEA 1087, SECTION 95

Summary: Provides a definition for the term “for-hire bus,” a term that essentially replaces “intercity bus” in the Indiana Code.

Effective Date: July 1, 2016

Code: IC 9-13-2-66.7

Enrolled Act: HEA 1087, SECTION 110

Summary: Removes the definition of the term “gross combination weight.”

Effective Date: July 1, 2016

Code: IC 9-13-2-70.1

Enrolled Act: HEA 1087, SECTION 112

Summary: Removes the definition of the term “gross combination weight rating.”

Effective Date: July 1, 2016

Code: IC 9-13-2-70.2

Enrolled Act: HEA 1087, SECTIONS 113

Summary: Removes the definition of the term “heavy duty vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-72.5

Enrolled Act: HEA 1087, SECTIONS 119

Summary: Provides an expanded definition of the term “implement of agriculture.”

Effective Date: July 1, 2016

Code: IC 9-13-2-77

Enrolled Act: HEA 1087, SECTIONS 119

Summary: Amends the definition of the term “Indiana resident” to include: a person that maintains a main office, branch office, warehouse, or business facility in Indiana; a person that bases and operates vehicles in Indiana; and a person that operates vehicles in intrastate haulage in Indiana.

Effective Date: July 1, 2016

Code: IC 9-13-2-78

Enrolled Act: HEA 1087, SECTION 121

Summary: Removes the definition of the term “intercity bus.”

Effective Date: July 1, 2016

Code: IC 9-13-2-83

Enrolled Act: HEA 1087, SECTION 123

Summary: Removes the definition of the term “intracity bus.”

Effective Date: July 1, 2016

Code: IC 9-13-2-87

Enrolled Act: HEA 1087, SECTION 124

Summary: Provides a definition for the term “not-for-hire bus,” a term that essentially includes a school bus, a church bus, a private bus, and a bus used to provide incidental transportation to passenger at no additional charge to the passenger.

Effective Date: July 1, 2016

Code: IC 9-13-2-113.5

Enrolled Act: HEA 1087, SECTION 137

Summary: Removes expired verbiage from the definition of the term “overweight divisible load.”

Effective Date: July 1, 2016

Code: IC 9-13-2-120.7

Enrolled Act: HEA 1087, SECTION 141

Summary: Expands the definition of the term “person” to include a sole proprietorship, a trust, an estate, or another entity.

Effective Date: July 1, 2016

Code: IC 9-13-2-124

Enrolled Act: HEA 1087, SECTION 145

Summary: Amends the definition of “recovery vehicle” to remove the repealed definitions of Class A and Class B recovery vehicles.

Effective Date: July 1, 2016

Code: IC 9-13-2-149.8

Enrolled Act: HEA 1087, SECTION 158

Summary: Removes reference to a vehicle used exclusively to carry passengers in the definition of “semitrailer.”

Effective Date: July 1, 2016

Code: IC 9-13-2-164

Enrolled Act: HEA 1087, SECTION 165

Summary: Simplifies the definition of “vehicle.”

Effective Date: July 1, 2016

Code: IC 9-13-2-196

Enrolled Act: HEA 1087, SECTION 176

Summary: Removes the definition of “yard tractor” and relocates the definition in IC 6-6-4.1-13.

Effective Date: July 1, 2016

Code: IC 9-13-2-201

Enrolled Act: HEA 1087, SECTION 179

Summary: Replaces prior statute that required department to create rules regarding providing a registrant list under the International Registration Plan (IRP).

Effective Date: July 1, 2016

Code: IC 9-14-13-4

Enrolled Act: HEA 1087, SECTION 193

Summary: Clarifies the titling exemption for a nonresident that wishes to declare Indiana as their base state, which is that they do not need to title their vehicle in Indiana if their state of residence is not a member of International Registration Plan (IRP).

Effective Date: July 1, 2016

Code: IC 9-17-2-1

Enrolled Act: HEA 1087, SECTION 201

Summary: Repeals statute that permitted vehicles registered under the International Registration Plan (IRP) in another jurisdiction from operating in Indiana without an Indiana certificate of title. This guidance is replaced by new statutory language in IC 9-17-1-1, IC 9-18.1-2-4 and IC 9-18.1-2-9.

Effective Date: July 1, 2016

Code: IC 9-17-2-13

Enrolled Act: HEA 1087, SECTION 213

Summary: Repeals Title 9, Article 18, after December 31, 2016, dealing with vehicle registrations.

Effective Date: July 1, 2016

Code: IC 9-18-1-13

Enrolled Act: HEA 1087, SECTION 262

Summary: Provides the registration dates for commercial motor vehicles registered by the department as part of the base plate program or the International Registration Plan.

Effective Date: July 1, 2016; Expires December 31, 2016

Code: IC 9-18-2-7

Enrolled Act: HEA 1087, SECTION 265

Summary: Clarifies that the department may audit records of persons that registered vehicles under the International Registration Plan, IC 9-18-2-4.6, and IC 9-18.1-13-3.

Effective Date: July 1, 2016; Expires December 31, 2016

Code: IC 9-18-2-16

Enrolled Act: HEA 1087, SECTION 265

Summary: Clarifies that vehicles are registered according to the declared gross weight. Defines declared gross weight for for-hire buses, trailers, trucks, and tractors used with semitrailers. Clarifies that any indication of registration issued by the department including a cab card is included in the term “proof of registration.” Provides the requirements and procedures for the department for titling, registering, and plating commercial vehicles. Collapses the number of weight classes for vehicles and provides the corresponding fees and distributions for registration. Provides that vehicles may be registered for a period of not less than three months and not more than twenty-four months. Clarifies that vehicles registered for a period other than twelve months are subject to a prorated registration fee formula. Provides the process, fees, and distributions for other registration related transactions including amendments and transfers. Creates a specific chapter for the department that clarifies the department has the same authority granted to the bureau of motor vehicles in carrying out its titling, registration, and plating functions. Relocates the authority for trip permits and hunter’s permits.

Effective Date: July 1, 2016

Code: IC 9-18.1

Enrolled Act: HEA 1087, SECTION 326

Summary: Includes the definitions of “auxiliary power units” and “heavy duty vehicles,” which were formerly defined in individual statutes that are repealed as a result of HEA 1087.

Effective Date: July 1, 2016

Code: IC 9-20-4-1

Enrolled Act: HEA 1087, SECTION 339

Summary: Clarifies the fee amount for the annual registration and trip permit for an extra heavy duty vehicle, and that the fees are to be deposited in the motor carrier regulation fund.

Effective Date: July 1, 2016

Code: IC 9-20-5-7

Enrolled Act: HEA 1087, SECTION 341

Summary: Clarifies the fee amount for the annual toll road gate permit.

Effective Date: July 1, 2016

Code: IC 9-20-6-3

Enrolled Act: HEA 1087, SECTION 342

Summary: Clarifies that the fee a public utility must pay is one referenced in IC 9-20, not IC 9-29.

Effective Date: July 1, 2016

Code: IC 9-20-6-5

Enrolled Act: HEA 1087, SECTION 343

Summary: Clarifies the fee amount for the permit issued for vehicles being transported from the manufacturing facility to the person taking title.

Effective Date: July 1, 2016

Code: IC 9-20-6-6

Enrolled Act: HEA 1087, SECTION 344

Summary: Clarifies the fee amount for special permits.

Effective Date: July 1, 2016

Code: IC 9-20-6-13

Enrolled Act: HEA 1087, SECTION 345

Summary: Clarifies that maximum length limitations for buses applies to school buses, as transit school bus is no longer a defined term in Title 9.

Effective Date: July 1, 2016

Code: IC 9-20-8-2

Enrolled Act: HEA 1087, SECTION 346

Summary: Clarifies the fee amount for special towing permits.

Effective Date: July 1, 2016

Code: IC 9-20-9-10

Enrolled Act: HEA 1087, SECTION 348

Summary: Defines “person” for the purposes of the tractor-mobile home rig permit requirements.

Effective Date: July 1, 2016

Code: IC 9-20-14-0.5

Enrolled Act: HEA 1087, SECTION 349

Summary: Clarifies the fee amount for tractor-mobile home rig permits.

Effective Date: July 1, 2016

Code: IC 9-20-14-2

Enrolled Act: HEA 1087, SECTION 351

Summary: Clarifies that the fee referenced is found in IC 9-20-14-2, not IC 9-29.

Effective Date: July 1, 2016

Code: IC 9-20-14-6

Enrolled Act: HEA 1087, SECTION 352

Summary: Defines “person” for the purposes of the special tractor-mobile home rig permit requirements.

Effective Date: July 1, 2016

Code: IC 9-20-15-0.5

Enrolled Act: HEA 1087, SECTION 353

Summary: Clarifies the fee amount for special tractor-mobile home rig permits.

Effective Date: July 1, 2016

Code: IC 9-20-15-1

Enrolled Act: HEA 1087, SECTION 354

Summary: Clarifies the fee amount for special tractor-mobile home rig permits for manufacturers or their agents to transport a tractor mobile-home rig to a storage lot.

Effective Date: July 1, 2016

Code: IC 9-20-15-2.1

Enrolled Act: HEA 1087, SECTION 356

Summary: Clarifies the fee amount for extra wide manufactured home rig permits.

Effective Date: July 1, 2016

Code: IC 9-20-15-6

Enrolled Act: HEA 1087, SECTION 357

Summary: Clarifies that the fee referenced is found in IC 9-20-15-1, not IC 9-29.

Effective Date: July 1, 2016

Code: IC 9-20-14-6

Enrolled Act: HEA 1087, SECTION 358

Summary: Expires Title 9, Article 29, Chapter 5, dealing with fees for vehicle registrations after December 31, 2016.

Effective Date: July 1, 2016

Code: IC 9-29-5-47.2

Enrolled Act: HEA 1087, SECTION 579

Summary: Repeals Title 9, Article 29, Chapter 6, dealing with fees for oversize and overweight vehicle permits.

Effective Date: July 1, 2016

Code: None

Enrolled Act: HEA 1087, SECTION 580

HEA 1290

Summary: Eliminates the exceptions from the general rules for distribution of wagering tax revenues from riverboats at French Lick and in Lake County. Makes other conforming technical corrections to internal references.

Effective Date: July 1, 2016

Code: IC 4-33-12-6

Enrolled Act: HEA 1290, SEC. 1

Summary: Creates a new code section establishing to whom wagering tax revenues from a riverboat in Lake County shall be distributed.

Effective Date: July 1, 2016

Code: IC 4-33-12-8

Enrolled Act: HEA 1290, SEC. 2

Summary: Creates a new code section establishing the rules by which the treasurer of the state shall distribute wagering tax revenues from riverboats to local government units.

Effective Date: July 1, 2016

Code: IC 4-33-12-9

Enrolled Act: HEA 1290, SEC. 3

Summary: Makes technical correction to references to IC 4-33-12.

Effective Date: July 1, 2016

Code: IC 4-33-12.5-6

Enrolled Act: HEA 1290, SEC. 4

Summary: Makes technical correction to references to IC 4-33-12.

Effective Date: July 1, 2016

Code: IC 4-33-12.5-7

Enrolled Act: HEA 1290, SEC. 5

Summary: Makes technical corrections to references to IC 4-33-12. Accelerates from September 15 to July 15 the date by which the treasurer of state is required to determine the total amount of wagering tax revenues distributed to any entity during the preceding state fiscal year. Accelerates from September 2016 to July 2016 the requirement that the treasurer of state make certain deductions from any supplemental distributions payable to Lake County, Hammond, Gary or East Chicago.

Effective Date: July 1, 2016

Code: IC 4-33-13-5

Enrolled Act: HEA 1290, SEC. 6

Summary: Provides that a retail merchant who obtains an exemption certificate from a person purchasing tangible personal property for use or consumption in providing public transportation under IC 6-2.5-5-27 is entitled to assume that the person purchasing the tangible personal property will use the tangible personal property for an exempt purpose or pay any use tax that is due on the storage, use, or consumption of the tangible personal property. The retail merchant is not liable for a failure to collect any use tax that may be due on the storage, use, or consumption of the tangible personal property unless the retail merchant's reliance on the information described in IC 6-2.5-3-7(c)(1)-(3) and the signed affirmation required under IC 6-2.5-3-7(c)(3) was unreasonable. The department has the burden of proving that the retail merchant's reliance on the information described in IC 6-2.5-3-7(c)(3) of this chapter and the signed affirmation required under section 7(c) of this chapter was unreasonable.

Effective Date: July 1, 2016

Code: IC 6-2.5-3-7.5

Enrolled Act: HEA 1290, SEC. 14

Summary: Updates references to Internal Revenue Code to that in effect on January 1, 2016, instead of January 1, 2016.

Effective Date: January 1, 2016 (RETROACTIVE)

Code: IC 6-3-1-11

Enrolled Act: HEA 1290, SEC. 15

Summary: Makes alterations to rules governing the claim of industrial recovery tax credits.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-1

Enrolled Act: HEA 1290, SEC. 16

Summary: Eliminates the definition of “executive” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-3

Enrolled Act: HEA 1290, SEC. 17

Summary: Changes the definition of “industrial recovery site” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-5

Enrolled Act: HEA 1290, SEC. 18

Summary: Eliminates the definition of “legislative body” for purposes of IC 6-3.1-11..

Effective Date: January 1, 2017

Code: IC 6-3.1-11-6

Enrolled Act: HEA 1290, SEC. 19

Summary: Eliminates the definition of “municipality” for purposes of IC 6-3.1-11..

Effective Date: January 1, 2017

Code: IC 6-3.1-11-7

Enrolled Act: HEA 1290, SEC. 20

Summary: Eliminates the definition of “vacant industrial facility” for purposes of IC 6-3.1-11.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-15

Enrolled Act: HEA 1290, SEC. 21

Summary: Requires that a taxpayer enter into an agreement with IEDC in order to claim the industrial recovery tax credit.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-16

Enrolled Act: HEA 1290, SEC. 22

Summary: Requires that a taxpayer apply to IEDC in order to claim the industrial recovery tax credit.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-18.5

Enrolled Act: HEA 1290, SEC. 23

Summary: Establishes requirements to be met in order for IEDC to grant a taxpayer's application for the industrial recovery tax credit.

Effective Date: January 1, 2017

Code: IC 6-3.1-11-18.5

Enrolled Act: HEA 1290, SEC. 24

Summary: Changes the formula the department shall use for determining how much property tax credits shall be deducted from riverboat admissions tax revenues before payments and supplemental distributions are made to cities in Lake County.

Effective Date: July 1, 2016

Code: IC 6-3.1-20-7

Enrolled Act: HEA 1290, SEC. 26

Summary: Extends the entitlement to a refund of gasoline tax paid on gasoline purchased or used to that used to create racing fuel that: (A) consists of a fuel blend nominally consisting of more than eighty-nine percent (89%) ethanol and less than eleven percent (11%) gasoline; (B) will not be blended to become a fuel that can be used for propelling a motor vehicle operated in whole or in part on an Indiana public highway; and (C) will be resold by the person purchasing the fuel to a purchaser that is located in another state, territory, or foreign country.

Effective Date: July 1, 2016

Code: IC 6-6-1.1-903

Enrolled Act: HEA 1290, SEC. 27

HEA 1365

Summary: Beginning July 1, 2017, subjects vehicles owned or otherwise held as inventory by a person licensed as a dealer under IC 9-32 to the motor vehicle excise tax.

Effective Date: July 1, 2016

Code: Non Code

Enrolled Act: HEA 1365, SEC. 2