

HOUSE BILL No. 1176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-14-1.

Synopsis: Alleys. Requires cities to use a percentage of the funds distributed from the motor vehicle highway account for the construction, reconstruction, improvement, and maintenance of alleys. Provides that the percentage allocated for the construction, reconstruction, improvement, and maintenance of alleys is based on population parameters.

Effective: July 1, 2022.

Summers

January 6, 2022, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1176

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

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

1 SECTION 1. IC 8-14-1-1, AS AMENDED BY P.L.185-2018,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 1. As used in this chapter:

4 (1) "Motor vehicle highway account" means the account of the
5 general fund of the state known as the "motor vehicle highway
6 account" to which is credited collections from motor vehicle
7 registration fees, licenses, driver's and chauffeur's license fees,
8 gasoline taxes, auto transfer fees, certificate of title fees, weight
9 taxes or excise taxes and all other similar special taxes, duties or
10 excises of all kinds on motor vehicles, trailers, motor vehicle fuel,
11 or motor vehicle owners or operators. The account also includes
12 amounts distributed to the fund by the bureau of motor vehicles
13 under IC 9.

14 (2) "Alley" means a public way in an urban district that meets
15 the following qualifications:

- 16 (A) Is open to the public for vehicular traffic.
- 17 (B) Is publicly maintained.



- 1 **(C) Is one (1) lane wide.**
 2 **(D) Is designated as an alley by the local authorities on an**
 3 **official map of the urban district.**
 4 ~~(2)~~ **(3)** The term "department" refers to the Indiana department of
 5 transportation.
 6 ~~(3)~~ **(4)** The term "highways" includes roadway, rights of way,
 7 bridges, drainage structures, signs, guard rails, protective
 8 structures in connection with highways, drains, culverts, and
 9 bridges and the substructure and superstructure of bridges and
 10 approaches thereto and streets and alleys of cities or towns.
 11 ~~(4)~~ **(5)** The term "construction" means the planning, supervising,
 12 inspecting, actual building, draining, and all expenses incidental
 13 to the construction of a highway.
 14 ~~(5)~~ **(6)** The term "reconstruction" means a widening or a
 15 rebuilding of the highway or any portion thereof.
 16 ~~(6)~~ **(7)** The term "maintenance" when used in reference to cities,
 17 towns, and counties as applied to that part of the highway other
 18 than bridges, means the constant making of needed repairs, to
 19 preserve a smooth surfaced highway, adequately drained, marked
 20 and guarded by protective structures for public safety and, as to
 21 bridges, means the constant making of needed repairs to preserve
 22 a smooth surfaced highway thereon and the safety and
 23 preservation of the bridge and its approaches, together with the
 24 substructure and superstructure thereof; and such term also means
 25 and includes the acquisition and use, in any manner, of all needed
 26 equipment, fuel, materials, and supplies essential and incident
 27 thereto.
 28 ~~(7)~~ **(8)** The term "preservation" means the preventative treatment,
 29 nonstructural treatment, rehabilitation, or structural repairs made
 30 to transportation infrastructure and related drainage that are
 31 included in an asset management plan approved by the Indiana
 32 department of transportation in collaboration with the local
 33 technical assistance program at Purdue University.
 34 ~~(8)~~ **(9)** The term "vehicle registration" means the number of
 35 vehicles subject to registration under IC 9-18 (before January 1,
 36 2017) or IC 9-18.1 (after December 31, 2016) which are
 37 registered thereunder, and, when used with respect to the state,
 38 shall mean the number of vehicles registered in the state and,
 39 when used in respect to a county, city, or town, shall mean the
 40 number of vehicles registered by owners resident in the county,
 41 city, or town.
 42 SECTION 2. IC 8-14-1-5, AS AMENDED BY P.L.185-2018,



1 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]: Sec. 5. (a) Subject to ~~subsection~~ **subsections (c) and**
3 **(d)**, all funds allocated to cities and towns from the motor vehicle
4 highway account shall be used by the cities and towns for the
5 construction, reconstruction, preservation, repair, maintenance, oiling,
6 sprinkling, snow removal, weed and tree cutting and cleaning of their
7 highways as herein defined, and including also any curbs, and the city's
8 or town's share of the cost of the separation of the grades of crossing of
9 public highways and railroads, the purchase or lease of highway
10 construction, preservation, and maintenance equipment, the purchase,
11 erection, operation and maintenance of traffic signs and signals, and
12 safety zones and devices, and the painting of surfaces in highways for
13 purposes of safety and traffic regulation. All of such funds shall be
14 budgeted as provided by law.

15 (b) In addition to purposes for which funds may be expended under
16 subsection (a), monies allocated to cities and towns under this chapter
17 may be expended for the payment of principal and interest on bonds
18 sold primarily to finance road, street, or thoroughfare projects.

19 (c) For funds distributed to a city or town from the motor vehicle
20 highway account, the city or town shall use at least fifty percent (50%)
21 of the money for the construction, reconstruction, and preservation of
22 the city's or town's highways.

23 **(d) For funds distributed to a city from the motor vehicle**
24 **highway account under subsection (c), the city shall use at least:**

25 **(1) twenty percent (20%) for a consolidated city;**

26 **(2) ten percent (10%) for cities having a population of more**
27 **than thirty-five thousand (35,000) but less than five hundred**
28 **ninety-nine thousand nine hundred ninety-nine (599,999); and**

29 **(3) five percent (5%) for cities having a population of not**
30 **more than thirty-five thousand (35,000);**

31 **for the construction, reconstruction, improvement, and**
32 **maintenance of alleys.**

