



Digest Error
Reprinted
January 30, 2014

HOUSE BILL No. 1180

DIGEST OF HB 1180 (Updated January 29, 2014 4:45 pm - DI 92)

Citations Affected: IC 6-3.1; IC 6-6; IC 9-13; IC 9-18; IC 9-19.

Synopsis: Various commercial vehicle matters. Makes various changes concerning the administration of the tax credit for natural gas powered vehicles. Excludes natural gas products from the definition of alternative fuel. Excludes alternative fuels from the definition of special fuel. Specifies that propane and butane are alternative fuels. Establishes an alternative fuel decal system. Provides that the road tax credit for motor carriers consuming compressed natural gas must be claimed on a quarterly basis. Makes numerous changes to the registration requirements for owners of commercial vehicles who register at least 25 vehicles that all have declared gross vehicle weights exceeding 26,000 pounds. Provides that the operator of a motor vehicle using compressed gas as a motor fuel is subject to the same nighttime operating requirements outside the corporate limits of a municipality as other vehicles and is permitted to carry flares or red-burning fuses.

Effective: January 1, 2014 (retroactive); July 1, 2014.

**Frye R, McMillin, DeLaney,
Moseley**

January 14, 2014, read first time and referred to Committee on Roads and Transportation.
January 27, 2014, amended, reported — Do Pass.
January 29, 2014, read second time, amended, ordered engrossed.

HB 1180—LS 6685/DI 92



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1180

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 6-3.1-34.6-6, AS ADDED BY P.L.277-2013,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 6. As used in this
4 chapter, "qualified vehicle" means a natural gas powered vehicle that:
5 (1) has a gross vehicle weight rating of more than thirty-three
6 thousand (33,000) pounds; **and**
7 **(2) is purchased or leased from a dealer located in Indiana.**
8 SECTION 2. IC 6-3.1-34.6-10, AS ADDED BY P.L.277-2013,
9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 10. The total amount of
11 the tax credits granted in a particular year to all persons under this
12 chapter may not exceed **the** lesser of:
13 (1) three million dollars (\$3,000,000) per year; or
14 (2) the revenue, as estimated by the budget agency, that is
15 attributable to the imposition of the gross retail and use tax on
16 transactions involving ~~alternative fuel~~ (as defined by



1 ~~IC 6-6-2.5-1~~ **the purchase of a natural gas product (as defined**
 2 **by IC 6-6-2.5-16.5)** to fuel a motor vehicle ~~used in providing~~
 3 ~~public transportation for persons or property as a result of~~
 4 ~~IC 6-2.5-5-27(b)~~ for the year the credit is claimed.

5 In addition, the tax credits granted for all years to all persons under this
 6 chapter may not exceed three (3) times the per year amount under
 7 subdivision (1) or (2), whichever applies for a particular year.

8 SECTION 3. IC 6-3.1-34.6-12, AS ADDED BY P.L.277-2013,
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 12. (a) To receive a
 11 credit under this chapter, a person **placing a qualified vehicle into**
 12 **service** must:

13 (1) ~~claim the credit on the person's state tax return or returns~~
 14 **apply for the department's approval of the tax credit and**
 15 **notify the department of the person's purchase or lease of a**
 16 **qualified vehicle** in the manner prescribed by the department;
 17 ~~and~~

18 (2) **submit proof of the purchase or lease to the department**
 19 **and** file with the department information that the department
 20 determines is necessary for the calculation of the credit under this
 21 chapter;

22 (3) **attach proof of the department's approval of the tax credit**
 23 **to the person's state tax return or returns; and**

24 (4) **claim the approved tax credit on the person's state tax**
 25 **return or returns in the manner prescribed by the**
 26 **department.**

27 (b) The department shall record the time of filing of each ~~return~~
 28 ~~claiming a credit under this section~~ **application for the department's**
 29 **approval of a tax credit** and shall, except as provided in subsection
 30 (c), ~~grant~~ **approve** ~~granting~~ the credit to the person, if the person
 31 otherwise qualifies for a credit under this chapter, in the chronological
 32 order in which the ~~return~~ **application for the department's approval**
 33 is filed in the year.

34 (c) If the total credits ~~granted~~ **approved** under this section equal the
 35 maximum amount allowable in the year, a ~~return claiming the~~
 36 ~~department may not approve an application for~~ the credit filed later
 37 in that year. ~~may not be approved.~~

38 SECTION 4. IC 6-6-2.5-1, AS AMENDED BY P.L.277-2013,
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 1. As used in this
 41 chapter, "alternative fuel" means a liquefied petroleum gas, ~~liquid or~~
 42 ~~compressed natural gas product; or a combination of liquefied~~



1 petroleum gas and a compressed natural gas product, not including a
 2 biodiesel fuel or biodiesel blend, used in an internal combustion engine
 3 or motor to propel any form of vehicle, machine, or mechanical
 4 contrivance. The term includes all forms of fuel commonly or
 5 commercially known or sold as butane or propane. or liquid or
 6 compressed natural gas.

7 SECTION 5. IC 6-6-2.5-16.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 16.5. As**
 9 **used in this chapter, "natural gas product" means:**

10 (1) a liquid or compressed natural gas product; or

11 (2) a combination of liquefied petroleum gas and a
 12 compressed natural gas product;

13 **used in an internal combustion engine or motor to propel any form**
 14 **of vehicle, machine, or mechanical contrivance.**

15 SECTION 6. IC 6-6-2.5-22, AS AMENDED BY P.L.277-2013,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 22. As used in this
 18 chapter, "special fuel" means all combustible gases and liquids that are:

19 (1) suitable for the generation of power in an internal combustion
 20 engine or motor; or

21 (2) used exclusively for heating, industrial, or farm purposes other
 22 than for the operation of a motor vehicle.

23 Special fuel includes biodiesel and blended biodiesel (as defined in
 24 IC 6-6-2.5-1.5) and ~~alternative fuels.~~ **natural gas products.** However,
 25 the term does not include **an alternative fuel**, gasoline (as defined in
 26 IC 6-6-1.1-103), ethanol produced, stored, or sold for the manufacture
 27 of or compounding or blending with gasoline, kerosene, and jet fuel (if
 28 the purchaser of the jet fuel has provided to the seller proof of the
 29 purchaser's federal jet fuel registration at or before the time of sale).

30 SECTION 7. IC 6-6-12-5, AS ADDED BY P.L.277-2013,
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. **(a) Before July 1,**
 33 **2014,** a carrier that consumes compressed natural gas to propel a
 34 vehicle described in IC 6-6-4.1-2(a) may claim a credit against the road
 35 taxes imposed upon the carrier's consumption of compressed natural
 36 gas in the previous state fiscal year.

37 **(b) After June 30, 2014, a carrier that** consumes compressed
 38 natural gas to propel a vehicle described in IC 6-6-4.1-2(a) may claim
 39 a credit against the road taxes imposed upon the carrier's consumption
 40 of compressed natural gas in the previous calendar quarter. **A carrier**
 41 **must claim the credit in the manner prescribed under section 7 of**
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this chapter before the following due dates:

- (1) **October 30 in 2014 and each year thereafter.**
- (2) **January 30 in 2015 and each year thereafter.**
- (3) **April 30 in 2015 and each year thereafter.**
- (4) **July 30 in 2015 and each year thereafter.**

SECTION 8. IC 6-6-12-6, AS ADDED BY P.L.277-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]; Sec. 6. The amount of a credit allowed under this chapter is equal to twelve percent (12%) of the road taxes imposed upon the carrier's consumption of compressed natural gas in:

- (1) the previous state fiscal year **for compressed natural gas consumed before July 1, 2014.**
- (2) the previous calendar quarter **for compressed natural gas consumed after June 30, 2014.**

SECTION 9. IC 6-6-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]:

Chapter 14. Alternative Fuel Decals

Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane or propane.

Sec. 2. As used in this chapter, "department" means the department of state revenue.

Sec. 3. As used in this chapter, "special fuel" has the meaning set forth in IC 6-6-2.5-22.

Sec. 4. (a) The owner of one (1) of the following motor vehicles that is registered in Indiana and that is propelled by alternative fuel shall obtain an alternative fuel decal for the motor vehicle and pay an annual fee in accordance with the following schedule:

SCHEDULE

Motor Vehicle	Annual Fee
A passenger motor vehicle, truck, or bus, the declared gross weight of which is equal to or less than 9,000 pounds.	\$100
A recreational vehicle.	\$100
A truck or bus, the declared gross weight of which is greater than 9,000 pounds but equal to or less than 11,000 pounds.	\$175
An alternative fuel delivery truck powered	



- 1 by alternative fuel, which is a truck the
 2 declared gross weight of which is greater
 3 than 11,000 pounds. \$250
 4 A truck or bus, the declared gross weight
 5 of which is greater than 11,000 pounds,
 6 except an alternative fuel delivery truck. \$300
 7 A tractor, designed to be used with a
 8 semitrailer. \$500
 9 Only one (1) fee is required to be paid per motor vehicle per year.
 10 (b) The annual fee may be prorated on a quarterly basis if:
 11 (1) application is made after June 30 of a year; and
 12 (2) the motor vehicle is newly:
 13 (A) converted to alternative fuel;
 14 (B) purchased; or
 15 (C) registered in Indiana.
 16 (c) The fees imposed under this section are subject to an annual
 17 adjustment under section 5 of this chapter.
 18 Sec. 5. (a) As used in this section, "consumer price index" refers
 19 to the consumer price index for all urban users not seasonally
 20 adjusted as published by the Bureau of Labor Statistics, United
 21 States Department of Labor, or its successor agency.
 22 (b) Subject to subsection (c), the department shall before
 23 February 1 of each year adjust each fee imposed under section 4 of
 24 this chapter as follows:
 25 STEP ONE: Determine the quotient of:
 26 (A) the consumer price index for December of the
 27 immediately preceding calendar year; divided by
 28 (B) the consumer price index for December of the calendar
 29 year immediately preceding the calendar year described in
 30 clause (A).
 31 STEP TWO: Determine the product of:
 32 (A) the amount of the fee imposed under section 4 of this
 33 chapter in the immediately preceding calendar year;
 34 multiplied by
 35 (B) the STEP ONE result.
 36 STEP THREE: Round the STEP TWO result to the nearest
 37 ten dollar (\$10) increment.
 38 (c) A fee imposed under section 4 of this chapter may not be
 39 increased under this section if the adjustment required by this
 40 section results in a fee increase of less than five dollars (\$5).
 41 However, in the following calendar year the amount of the
 42 disregarded adjustment must be treated as if it had been added to



1 the fee imposed under section 4 of this chapter for purposes of
2 making the determination under subsection (b) STEP TWO.

3 Sec. 6. (a) The owner of a motor vehicle that is propelled by
4 alternative fuel and is:

5 (1) registered outside Indiana; and

6 (2) operated on a public highway in Indiana;

7 shall obtain a temporary trip permit. An alternative fuel
8 temporary trip permit may be purchased from a licensed propane
9 dealer who sells alternative fuels.

10 (b) A temporary trip permit is valid for seventy-two (72) hours
11 from the time of purchase. The fee for each permit is five dollars
12 and fifty cents (\$5.50). The fee for an alternative temporary trip
13 permit must be collected from the purchaser by the licensed
14 propane dealer and paid monthly to the administrator on forms
15 prescribed by the department.

16 Sec. 7. (a) Before dispensing alternative fuel into a motor
17 vehicle, a person desiring to make alternative fuel sales in Indiana
18 must be licensed by the department as a propane dealer. A person
19 may apply for a propane dealer license on a form prescribed by the
20 department. The department may make any reasonable
21 investigation of an applicant before issuing a license to the
22 applicant. The fee for a propane dealer license is fifty dollars (\$50).

23 (b) The department shall issue a license card to each applicant
24 approved for a propane dealer license. A licensed propane dealer
25 shall display the license card in a conspicuous place at each
26 location operated by the licensed propane dealer where alternative
27 fuel is dispensed into motor vehicles in Indiana.

28 (c) The department may rescind a propane dealer license if the
29 propane dealer fails to comply with any requirement of this
30 chapter.

31 (d) Fees collected under this section must be deposited,
32 allocated, and distributed in the same manner that special fuel
33 taxes are deposited, allocated, and distributed under IC 6-6-2.5-67.

34 Sec. 8. (a) The administrator shall issue an alternative fuel decal
35 to an owner of a motor vehicle propelled by alternative fuel who
36 applies for a decal, pays to the administrator the fee, and provides
37 the information that is required by the administrator.

38 (b) An alternative fuel decal is effective from April 1 of each
39 year through March 31 of the next year. The administrator may
40 extend the expiration date for not more than thirty (30) days.
41 During the month of March, the owner shall display the valid decal
42 through March 31 or the decal issued to the owner for the next



1 twelve (12) months. If the administrator grants an extension of the
 2 expiration date, the owner shall continue to display the decal for
 3 which the extension was granted.

4 **Sec. 9. (a)** The owner of a motor vehicle propelled by alternative
 5 fuel shall affix the alternative fuel decal to the lower left side of the
 6 front windshield of the motor vehicle for which it was issued. The
 7 decal may be displayed only on the motor vehicle for which the
 8 decal was issued.

9 (b) Upon application of the owner and surrender of a decal, the
 10 administrator may issue a new decal or give credit toward the fee
 11 for a decal for another vehicle or for a subsequent twelve (12)
 12 months. Upon receipt of the new decal or a credit statement, the
 13 owner shall return to the administrator:

14 (1) the old decal; or

15 (2) a sworn statement indicating that the old decal has been
 16 destroyed.

17 (c) A credit under this section shall be computed by multiplying
 18 the fee paid for the old decal by a fraction. The denominator of the
 19 fraction is the number of whole and partial quarters for which the
 20 old decal was issued. The numerator of the fraction is the number
 21 of remaining whole quarters that the old decal would have been
 22 valid.

23 (d) A credit under this section may not be given during the last
 24 three (3) months before the decal expires.

25 (e) No refunds may be allowed under this section.

26 **Sec. 10.** A person may place or cause to be placed alternative
 27 fuel into the fuel supply tank of a motor vehicle only under one (1)
 28 of the following conditions:

29 (1) The motor vehicle has a valid alternative fuel decal affixed
 30 to the front windshield.

31 (2) The operator has a copy of a completed application for a
 32 decal for the motor vehicle, which application was filed with
 33 the department not more than thirty (30) days before the sale
 34 of the fuel.

35 SECTION 10. IC 9-13-2-31.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31.5. (a) **Before**
 37 **January 1, 2016**, "commercial vehicle", for purposes of IC 9-18-2-4.5,
 38 means a motor vehicle or combination of motor vehicles used in
 39 commerce to transport property if the motor vehicle:

40 (1) has a gross combination weight rating of at least twenty-six
 41 thousand one (26,001) pounds, including a towed unit with a
 42 gross vehicle weight rating of more than ten thousand (10,000)



- 1 pounds;
- 2 (2) has a gross vehicle weight rating of at least twenty-six
- 3 thousand one (26,001) pounds; or
- 4 (3) meets both of the following requirements:
- 5 (A) The motor vehicle has a gross vehicle weight rating of at
- 6 least seven thousand (7,000) pounds, but less than twenty-six
- 7 thousand one (26,001) pounds.
- 8 (B) The motor vehicle is owned by a registered carrier holding
- 9 a valid Indiana fuel tax permit under IC 6-6-4.1.
- 10 **(b) After December 31, 2015, "commercial vehicle", for**
- 11 **purposes of IC 9-18-2-4.6, means a motor vehicle used in commerce**
- 12 **to transport property if the motor vehicle:**
- 13 **(1) has a declared gross vehicle weight of at least sixteen**
- 14 **thousand (16,000) pounds; and**
- 15 **(2) is subject to the commercial motor vehicle excise tax under**
- 16 **IC 6-6-5.5.**
- 17 SECTION 11. IC 9-18-2-4.5, AS AMENDED BY P.L.293-2013(ts),
- 18 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2014]: Sec. 4.5. (a) Upon payment of the annual registration
- 20 fee under IC 9-29-5, and any applicable commercial vehicle excise tax
- 21 under IC 6-6-5.5, the department of state revenue may issue a license
- 22 plate for each commercial vehicle registered to the ~~registered~~ owner of
- 23 at least twenty-five (25) commercial vehicles with a declared gross
- 24 vehicle weight rating exceeding twenty-six thousand (26,000) pounds.
- 25 The license plate issued under this section for a commercial vehicle is
- 26 permanently valid.
- 27 (b) ~~If the A~~ registered owner of at least twenty-five (25) commercial
- 28 vehicles with a declared gross vehicle weight rating exceeding
- 29 twenty-six thousand (26,000) pounds ~~submits~~ **shall submit** the
- 30 application of registration for the commercial vehicles on an aggregate
- 31 basis ~~it must be~~ by electronic means. If the application is approved, the
- 32 department of state revenue shall issue a certificate of registration that
- 33 shall be carried at all times in the vehicle for which it is issued.
- 34 (c) The registration for a commercial vehicle is void when the
- 35 registered owner:
- 36 (1) sells (and does not replace);
- 37 (2) disposes of; or
- 38 (3) does not renew the registration of;
- 39 the commercial vehicle or the commercial vehicle is destroyed.
- 40 (d) This section does not relieve the owner of the vehicle from
- 41 payment of any applicable commercial vehicle excise tax under
- 42 IC 6-6-5.5 on a yearly basis.



1 (e) A registered plate issued under subsection (a) may be transferred
 2 to another vehicle in a fleet of the same weight and plate type, with a
 3 new certificate issued under subsection (b), upon application to the
 4 department of state revenue. A commercial vehicle excise tax credit
 5 may be applied to any plate transfer of the same vehicle type and same
 6 weight category.

7 (f) The department of state revenue shall adopt rules under
 8 IC 4-22-2 necessary to administer this section.

9 (g) The following apply to rules adopted by the bureau before
 10 January 1, 2014, under subsection (f):

11 (1) The rules are transferred to the department of state revenue on
 12 January 1, 2014, and are considered, after December 31, 2013,
 13 rules of the department of state revenue.

14 (2) After December 31, 2013, the rules are treated as if they had
 15 been adopted by the department of state revenue.

16 **(h) A registered owner may continue to register commercial
 17 vehicles under this section even after a reduction in the registered
 18 owner's fleet to fewer than twenty-five (25) commercial vehicles.**

19 **(i) This section expires January 1, 2016.**

20 SECTION 12. IC 9-18-2-4.6 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2014]: **Sec. 4.6. (a) This section applies to registrations in a
 23 calendar year beginning after December 31, 2015.**

24 **(b) Upon payment of the annual registration fee under IC 9-29-5
 25 and any applicable commercial vehicle excise tax under IC 6-6-5.5,
 26 the department of state revenue may issue a license plate for each
 27 commercial vehicle registered to the owner of at least twenty-five
 28 (25) commercial vehicles. The license plate issued under this
 29 section for a commercial vehicle is permanently valid.**

30 **(c) The application of registration for the commercial vehicles
 31 must be on an aggregate basis by electronic means. If the
 32 application is approved, the department of state revenue shall issue
 33 a certificate of registration that shall be carried at all times in the
 34 vehicle for which it is issued.**

35 **(d) The registration for a commercial vehicle is void when the
 36 registered owner:**

37 **(1) sells (and does not replace);**

38 **(2) disposes of; or**

39 **(3) does not renew the registration of;**

40 **the commercial vehicle or the commercial vehicle is destroyed.**

41 **(e) This section does not relieve the owner of a vehicle from
 42 payment of any applicable commercial vehicle excise tax under**



- 1 IC 6-6-5.5 on a yearly basis.
- 2 (f) A registered license plate issued under subsection (b) may be
3 transferred to another vehicle in a fleet of the same weight and
4 plate type, with a new certificate of registration issued under
5 subsection (c), upon application to the department of state revenue.
6 A commercial vehicle excise tax credit may be applied to any plate
7 transfer of the same vehicle type and same weight category.
- 8 (g) The department of state revenue shall adopt rules under
9 IC 4-22-2 necessary to administer this section.
- 10 (h) The following apply to rules adopted by the bureau before
11 January 1, 2014, under section 4.5(f) of this chapter (before its
12 expiration):
- 13 (1) The rules are transferred to the department of state
14 revenue and are considered rules of the department of state
15 revenue.
- 16 (2) The rules are treated as if they had been adopted by the
17 department of state revenue.
- 18 (i) Upon qualification under this section, a vehicle subject to the
19 commercial vehicle excise tax under IC 6-6-5.5, including trailers
20 and semi-trailers, must be registered with the department of state
21 revenue and issued a permanent license plate.
- 22 (j) A registered owner may continue to register commercial
23 vehicles under this section even after a reduction in the registered
24 owner's fleet to fewer than twenty-five (25) commercial vehicles.
- 25 SECTION 13. IC 9-18-2-47, AS AMENDED BY P.L.262-2013,
26 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2014]: Sec. 47. (a) The commissioner shall adopt rules under
28 IC 4-22-2 prescribing the cycle for the issuance and replacement of
29 license plates under this article. The rules adopted under this section
30 shall provide that a license plate for a vehicle issued under this article
31 is valid for five (5) years.
- 32 (b) The rules adopted under this section do not apply to:
- 33 (1) truck license plates issued under section 4.5 (**before its**
34 **expiration**), 4.6, or 18 of this chapter; and
- 35 (2) general assembly and other state official license plates issued
36 under IC 9-18-16.
- 37 (3) does not renew the registration of;
38 the commercial vehicle or the commercial vehicle is destroyed.
- 39 (d) This section does not relieve the owner of the vehicle from
40 payment of any applicable commercial vehicle excise tax under
41 IC 6-6-5.5 on a yearly basis.
- 42 (e) A registered plate issued under subsection (a) may be transferred



1 to another vehicle in a fleet of the same weight and plate type, with a
 2 new certificate issued under subsection (b), upon application to the
 3 department of state revenue. A commercial vehicle excise tax credit
 4 may be applied to any plate transfer of the same vehicle type and same
 5 weight category.

6 (f) The department of state revenue shall adopt rules under
 7 IC 4-22-2 necessary to administer this section.

8 (g) The following apply to rules adopted by the bureau before
 9 January 1, 2014, under subsection (f):

10 (1) The rules are transferred to the department of state revenue on
 11 January 1, 2014, and are considered, after December 31, 2013,
 12 rules of the department of state revenue.

13 (2) After December 31, 2013, the rules are treated as if they had
 14 been adopted by the department of state revenue.

15 SECTION 14. IC 9-19-5-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person may not
 17 operate a motor truck, passenger bus, or truck-tractor upon a highway
 18 outside the corporate limits of a municipality from a half hour after
 19 sunset to a half hour before sunrise unless the vehicle carries the
 20 following equipment:

21 (1) At least three (3):

22 (A) flares (liquid-burning pot torches);

23 (B) red electric lanterns; or

24 (C) portable red emergency reflectors;

25 each of which must be capable of being seen and distinguished at
 26 a distance of not less than six hundred (600) feet under normal
 27 atmospheric conditions at nighttime.

28 (2) At least three (3) red-burning fuses unless red electric lanterns
 29 or red portable emergency reflectors are carried.

30 (3) At least two (2) red-cloth flags, not less than twelve (12)
 31 inches square, with standards to support the flags.

32 (b) A flare (liquid-burning pot torch), fusee, electric lantern, or cloth
 33 warning flag may not be used to comply with this section unless the
 34 equipment has been submitted to and approved by the director of traffic
 35 safety.

36 (c) A portable reflector unit may not be used to comply with this
 37 section unless the unit:

38 (1) is designed and constructed to include two (2) reflecting
 39 elements, one (1) above the other, each of which must be capable
 40 of reflecting red light clearly visible from all distances within six
 41 hundred (600) feet to one hundred (100) feet under normal
 42 atmospheric conditions at night when directly in front of lawful



1 upper beams of head lamps; and
2 (2) has been submitted to and approved by the director of traffic
3 safety.
4 (d) A person may not operate at the time and under conditions stated
5 in subsection (a) a:
6 (1) motor vehicle used for the transportation of explosives; **or**
7 (2) cargo tank truck used for the transportation of flammable
8 liquids or compressed gases; ~~or~~
9 ~~(3) motor vehicle using compressed gas as a fuel;~~
10 unless three (3) red electric lanterns or three (3) portable red
11 emergency reflectors are carried in the vehicle that meet the
12 requirements of subsection (a). A person may not carry in such a
13 vehicle a flare, fusee, or signal produced by flame.
14 **SECTION 15. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1180, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 22, after "that" insert "**is propelled by alternative fuel and**".

and when so amended that said bill do pass.

(Reference is to HB 1180 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1180 be amended to read as follows:

Page 7, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 10. IC 9-13-2-31.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31.5. **(a) Before January 1, 2016,** "commercial vehicle", for purposes of IC 9-18-2-4.5, means a motor vehicle or combination of motor vehicles used in commerce to transport property if the motor vehicle:

- (1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds;
- (2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds; or
- (3) meets both of the following requirements:
 - (A) The motor vehicle has a gross vehicle weight rating of at least seven thousand (7,000) pounds, but less than twenty-six thousand one (26,001) pounds.
 - (B) The motor vehicle is owned by a registered carrier holding a valid Indiana fuel tax permit under IC 6-6-4.1.

(b) After December 31, 2015, "commercial vehicle", for purposes of IC 9-18-2-4.6, means a motor vehicle used in commerce to transport property if the motor vehicle:

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- (1) has a declared gross vehicle weight of at least sixteen thousand (16,000) pounds; and**
(2) is subject to the commercial motor vehicle excise tax under IC 6-6-5.5.

SECTION 11. IC 9-18-2-4.5, AS AMENDED BY P.L.293-2013(ts), SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Upon payment of the annual registration fee under IC 9-29-5, and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the ~~registered~~ owner of at least twenty-five (25) commercial vehicles with a declared gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds. The license plate issued under this section for a commercial vehicle is permanently valid.

(b) ~~If the A~~ registered owner of at least twenty-five (25) commercial vehicles with a declared gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds ~~submits~~ **shall submit** the application of registration for the commercial vehicles on an aggregate basis ~~it must be~~ by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

- (1) sells (and does not replace);
- (2) disposes of; or
- (3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(d) This section does not relieve the owner of the vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(e) A registered plate issued under subsection (a) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate issued under subsection (b), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(f) The department of state revenue shall adopt rules under IC 4-22-2 necessary to administer this section.

(g) The following apply to rules adopted by the bureau before January 1, 2014, under subsection (f):

- (1) The rules are transferred to the department of state revenue on January 1, 2014, and are considered, after December 31, 2013,



rules of the department of state revenue.

(2) After December 31, 2013, the rules are treated as if they had been adopted by the department of state revenue.

(h) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

(i) This section expires January 1, 2016.

SECTION 12. IC 9-18-2-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.6. (a) This section applies to registrations in a calendar year beginning after December 31, 2015.**

(b) Upon payment of the annual registration fee under IC 9-29-5 and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the owner of at least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is permanently valid.

(c) The application of registration for the commercial vehicles must be on an aggregate basis by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(d) The registration for a commercial vehicle is void when the registered owner:

- (1) sells (and does not replace);**
- (2) disposes of; or**
- (3) does not renew the registration of;**

the commercial vehicle or the commercial vehicle is destroyed.

(e) This section does not relieve the owner of a vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(f) A registered license plate issued under subsection (b) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate of registration issued under subsection (c), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(g) The department of state revenue shall adopt rules under IC 4-22-2 necessary to administer this section.

(h) The following apply to rules adopted by the bureau before January 1, 2014, under section 4.5(f) of this chapter (before its expiration):



(1) The rules are transferred to the department of state revenue and are considered rules of the department of state revenue.

(2) The rules are treated as if they had been adopted by the department of state revenue.

(i) Upon qualification under this section, a vehicle subject to the commercial vehicle excise tax under IC 6-6-5.5, including trailers and semi-trailers, must be registered with the department of state revenue and issued a permanent license plate.

(j) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

SECTION 52. IC 9-18-2-47, AS AMENDED BY P.L.262-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

(1) truck license plates issued under section 4.5 **(before its expiration), 4.6,** or 18 of this chapter; and

(2) general assembly and other state official license plates issued under IC 9-18-16."

Renumber all SECTIONS consecutively.

(Reference is to HB 1180 as printed January 27, 2014.)

FRYE R

HOUSE MOTION

Mr. Speaker: I move that House Bill 1180 be amended to read as follows:

Replace the effective date in SECTION 9 with "[EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]:".

Page 5, delete lines 16 through 21, begin a new paragraph and insert:

"(c) The fees imposed under this section are subject to an annual adjustment under section 5 of this chapter.

Sec. 5. (a) As used in this section, "consumer price index" refers to the consumer price index for all urban users not seasonally



adjusted as published by the Bureau of Labor Statistics, United States Department of Labor, or its successor agency.

(b) Subject to subsection (c), the department shall before February 1 of each year adjust each fee imposed under section 4 of this chapter as follows:

STEP ONE: Determine the quotient of:

(A) the consumer price index for December of the immediately preceding calendar year; divided by

(B) the consumer price index for December of the calendar year immediately preceding the calendar year described in clause (A).

STEP TWO: Determine the product of:

(A) the amount of the fee imposed under section 4 of this chapter in the immediately preceding calendar year; multiplied by

(B) the STEP ONE result.

STEP THREE: Round the STEP TWO result to the nearest ten dollar (\$10) increment.

(c) A fee imposed under section 4 of this chapter may not be increased under this section if the adjustment required by this section results in a fee increase of less than five dollars (\$5). However, in the following calendar year the amount of the disregarded adjustment must be treated as if it had been added to the fee imposed under section 4 of this chapter for purposes of making the determination under subsection (b) STEP TWO."

(Reference is to HB 1180 as printed January 27, 2014.)

FRYE R

