

HOUSE BILL No. 1307

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-14-1-3.

Synopsis: Motor vehicle highway account. Provides that of the net amount in the motor vehicle highway account, the auditor of state shall set aside for cities and towns 13.41% (current law provides that the auditor shall set aside 12.13%), and the auditor shall set aside for counties 28.59% (current law provides that the auditor shall set aside 25.87%). (The changes have the effect of decreasing the distribution amount from the motor vehicle highway account to the state highway fund from 62% to 58% and increasing the distribution amount for local distribution purposes from the motor vehicle highway account from 38% to 42%.)

Effective: July 1, 2020.

Wolkins

January 14, 2020, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1307

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 8-14-1-3, AS AMENDED BY P.L.108-2019,
2 SECTION 152, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: Sec. 3. The money collected for the
4 motor vehicle highway account fund and remaining after refunds and
5 the payment of all expenses incurred in the collection of the money and
6 after transferring three hundred twenty-five thousand dollars
7 (\$325,000) each month to the motor carrier regulation fund
8 (IC 8-2.1-23), shall be allocated to and distributed among the
9 department and subdivisions designated as follows:

10 (1) Of the net amount in the motor vehicle highway account the
11 auditor of state shall set aside for the cities and towns of the state
12 ~~twelve and thirteenth hundredths percent (12.13%)~~. **thirteen and**
13 **forty-one hundredths percent (13.41%)**. This sum shall be
14 allocated to the cities and towns upon the basis that the population
15 of each city and town bears to the total population of all the cities
16 and towns and shall be used for the construction or reconstruction
17 and maintenance of streets and alleys and shall be annually



1 budgeted as now provided by law. However, no part of such sum
 2 shall be used for any other purpose than for the purposes defined
 3 in this chapter. If any funds allocated to any city or town shall be
 4 used by any officer or officers of such city or town for any
 5 purpose or purposes other than for the purposes as defined in this
 6 chapter, such officer or officers shall be liable upon their official
 7 bonds to such city or town in such amount so used for other
 8 purposes than for the purposes as defined in this chapter, together
 9 with the costs of said action and reasonable attorney fees,
 10 recoverable in an action or suit instituted in the name of the state
 11 of Indiana on the relation of any taxpayer or taxpayers resident of
 12 such city or town. A monthly distribution thereof of funds
 13 accumulated during the preceding month shall be made by the
 14 auditor of state.

15 (2) Of the net amount in the motor vehicle highway account, the
 16 auditor of state shall set aside for the counties of the state
 17 ~~twenty-five and eighty-seven hundredths percent (25.87%)~~.
 18 **twenty-eight and fifty-nine hundredths percent (28.59%)**.
 19 However, as to the allocation to cities and towns under
 20 subdivision (1) and as to the allocation to counties under this
 21 subdivision, in the event that the amount in the motor vehicle
 22 highway account fund remaining after refunds and after the
 23 payment of all expenses incurred in the collection thereof is less
 24 than twenty-two million six hundred fifty thousand dollars
 25 (\$22,650,000) in any fiscal year, then the amount so set aside in
 26 the next calendar year for distributions to counties shall be
 27 reduced fifty-four percent (54%) of such deficit and the amount
 28 so set aside for distribution in the next calendar year to cities and
 29 towns shall be reduced thirteen percent (13%) of such deficit.
 30 Such reduced distributions shall begin with the distribution
 31 January 1 of each year.

32 (3) The amount set aside for the counties of the state under the
 33 provisions of subdivision (2) shall be allocated monthly upon the
 34 following basis:

35 (A) Five percent (5%) of the amount allocated to the counties
 36 to be divided equally among the ninety-two (92) counties.

37 (B) Sixty-five percent (65%) of the amount allocated to the
 38 counties to be divided on the basis of the ratio of the actual
 39 miles, now traveled and in use, of county roads in each county
 40 to the total mileage of county roads in the state, which shall be
 41 annually determined, accurately, by the department and
 42 submitted to the auditor of state before April 1 of each year.



- 1 (C) Thirty percent (30%) of the amount allocated to the
2 counties to be divided on the basis of the ratio of the motor
3 vehicle registrations of each county to the total motor vehicle
4 registration of the state. The bureau of motor vehicles shall
5 annually determine the amount under this clause and submit
6 its determination to the auditor of state before April 1 each
7 year.
- 8 All money so distributed to the several counties of the state shall
9 constitute a special road fund for each of the respective counties
10 and shall be under the exclusive supervision and direction of the
11 board of county commissioners in the construction,
12 reconstruction, maintenance, or repair of the county highways or
13 bridges on such county highways within such county.
- 14 (4) Each month the remainder of the net amount in the motor
15 vehicle highway account shall be credited to the state highway
16 fund for the use of the department.
- 17 (5) Money in the fund may not be used for any toll road or toll
18 bridge project.
- 19 (6) Notwithstanding any other provisions of this section, money
20 in the motor vehicle highway account fund may be appropriated
21 to the Indiana department of transportation from the amounts
22 distributed to the political subdivisions of the state to pay the
23 costs incurred by the department in providing services to those
24 subdivisions.
- 25 (7) Notwithstanding any other provisions of this section or of
26 IC 8-14-8, for the purpose of maintaining a sufficient working
27 balance in accounts established primarily to facilitate the
28 matching of federal and local money for highway projects, money
29 may be appropriated to the Indiana department of transportation
30 as follows:
- 31 (A) One-half (1/2) from the amounts set aside under
32 subdivisions (1) and (2) for counties and for those cities and
33 towns with a population greater than five thousand (5,000).
- 34 (B) One-half (1/2) from the distressed road fund under
35 IC 8-14-8.

