

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1356

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AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 6-3.5-4-2, AS AMENDED BY P.L.178-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection (e), adopt an ordinance to impose a county vehicle excise tax in accordance with this chapter on each vehicle that is subject to the vehicle excise tax under IC 6-6-5 and that is registered in the county.

(b) If a county does not use a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

- (1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or
- (2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than twenty-five dollars (\$25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(c) If a county uses a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

- (1) at a rate of at least two percent (2%) and not more than twenty

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percent (20%); or

(2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than fifty dollars (\$50).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance that imposes the tax.

(d) Subject to the limits and requirements of this section, the adopting entity may do any of the following:

(1) Impose the county vehicle excise tax at the same rate or amount on each vehicle that is subject to the tax.

(2) Impose the county vehicle excise tax on vehicles subject to the tax at one (1) or more different rates based on the class of vehicle listed in IC 6-6-5-2(a).

(e) The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

(f) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the county vehicle excise tax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

(g) **Except as provided under section 7.5 of this chapter** and subject to subsection (h), a county vehicle excise tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

(h) If the county vehicle excise tax imposed by this chapter was not paid for one (1) or more preceding years, the bureau may collect only the county vehicle excise tax imposed by this chapter for the:

(1) registration year immediately preceding the current registration year;

(2) current registration year; and

(3) registration year immediately following the current registration year.

SECTION 2. IC 6-3.5-4-7, AS AMENDED BY P.L.256-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. **Except for a person described under section 7.5 of this chapter**, a person may not register a vehicle in a county that has adopted the surtax unless the person pays the surtax due, if any, to the bureau of motor vehicles. The amount of the surtax due equals the greater of seven dollars and fifty cents (\$7.50), the amount established under section 2 of this chapter, or the product of:

(1) the amount determined under section 7.3 of this chapter for

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the vehicle, as adjusted under section 7.4 of this chapter; multiplied by

(2) the surtax rate in effect at the time of registration.

The bureau of motor vehicles shall collect the surtax due, if any, at the time a vehicle is registered.

SECTION 3. IC 6-3.5-4-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7.5. (a) This section applies to a person who has obtained a permanent registration for a trailer with a declared gross vehicle weight of three thousand (3,000) pounds or less under IC 9-18.1-5-13.**

**(b) A person described in subsection (a) shall pay twice the amount of the surtax otherwise due under this chapter when the person obtains a permanent registration for a trailer with a declared gross vehicle weight of three thousand (3,000) pounds or less under IC 9-18.1-5-13.**

**(c) A person described in subsection (a) is not subject to additional surtax payments under this chapter for a trailer described in subsection (a) after the surtax payment is made under subsection (b).**

SECTION 4. IC 6-3.5-10-2, AS AMENDED BY P.L.178-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (c) and (d), adopt an ordinance to impose a municipal vehicle excise tax on each vehicle that is subject to the vehicle excise tax under IC 6-6-5 and that is registered in the eligible municipality. The eligible municipality may impose the surtax at a specific amount of:**

(1) at least seven dollars and fifty cents (\$7.50); and

(2) not more than twenty-five dollars (\$25).

The eligible municipality shall state the surtax rate or amount in the ordinance that imposes the tax.

(b) Subject to the limits and requirements of this section, the fiscal body of an eligible municipality may do any of the following:

(1) Impose the municipal vehicle excise tax at the same amount on each vehicle that is subject to the tax.

(2) Impose the municipal vehicle excise tax on vehicles subject to the tax at one (1) or more different amounts based on the class of vehicle listed in IC 6-6-5-2(a).

(c) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to impose the municipal wheel



tax.

(d) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

(e) **Except as provided under section 8.5 of this chapter and** subject to subsection (f), a municipal vehicle excise tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

(f) If the municipal vehicle excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau may collect only the municipal vehicle excise tax imposed by this chapter for the:

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current registration year.

SECTION 5. IC 6-3.5-10-7, AS AMENDED BY P.L.256-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. **Except for a person described under section 8.5 of this chapter**, a person may not register a vehicle in an adopting municipality unless the person pays the surtax due, if any, to the bureau of motor vehicles. The amount of the surtax due equals the amount established under section 2 of this chapter. The bureau of motor vehicles shall collect the surtax due, if any, at the time a vehicle is registered.

SECTION 6. IC 6-3.5-10-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 8.5. (a) This section applies to a person who has obtained a permanent registration for a trailer with a declared gross vehicle weight of three thousand (3,000) pounds or less under IC 9-18.1-5-13.**

**(b) A person described in subsection (a) shall pay twice the amount of the surtax otherwise due under this chapter when the person obtains a permanent registration for a trailer with a declared gross vehicle weight of three thousand (3,000) pounds or less under IC 9-18.1-5-13.**

**(c) A person described in subsection (a) is not subject to additional surtax payments under this chapter for a trailer described in subsection (a) after the surtax payment is made under subsection (b).**

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SECTION 7. IC 9-18.1-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4.5. "Permanent registration" refers to:**

- (1) a certificate of registration; or
- (2) any other indication of registration issued by the bureau or the motor carrier services division of the department of state revenue;

**where the term of the registration does not expire unless the registered owner sells or disposes of the registered vehicle.**

SECTION 8. IC 9-18.1-5-8, AS AMENDED BY P.L.108-2019, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) Except as provided in sections 11 **and 13** of this chapter, the fee to register a trailer is as follows:

Declared Gross Greater than	Weight (Pounds) Equal to or less than	Fee (\$)
0	3,000	\$ 16.35
3,000	9,000	25.35
9,000	12,000	72
12,000	16,000	108
16,000	22,000	168
22,000		228

(b) A fee described in subsection (a) that is collected under the International Registration Plan shall be distributed as set forth in section 10.5 of this chapter.

(c) A fee described in subsection (a) that is not required to be distributed under subsection (b) shall be distributed as follows:

- (1) Twenty-five cents (\$0.25) to the state construction fund.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars and ninety cents (\$2.90) to the highway, road and street fund.
- (4) Four dollars (\$4) to the crossroads 2000 fund.
- (5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (6) Three dollars and ten cents (\$3.10) to the commission fund.
- (7) Any remaining amount to the motor vehicle highway account.

SECTION 9. IC 9-18.1-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a) A trailer registration under this section applies after December 31, 2021.**



**(b) This section applies to a trailer with a declared gross vehicle weight of three thousand (3,000) pounds or less.**

**(c) The owner of a vehicle under subsection (b) may apply to the bureau for a permanent registration.**

**(d) The fee to register a vehicle under subsection (b) for a permanent registration is eighty-two dollars (\$82).**

**(e) A fee described in subsection (d) shall be distributed in the same manner as the applicable registration fee under section 8 of this chapter.**

**(f) A vehicle described under subsection (b) is subject to:**

- (1) a surtax payment under IC 6-3.5-4-7.5;**
- (2) a surtax payment under IC 6-3.5-10-8.5; or**
- (3) both;**

**whichever is applicable.**

**(g) A tax described in subsection (f) shall be distributed in the same manner as the applicable surtax under IC 6-3.5-4 or IC 6-3.5-10.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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