

IC 4-4-32.2

Chapter 32.2. Alternative Fuel Fueling Station Grant Program

IC 4-4-32.2-1

"Alternative fuel"

Sec. 1. As used in this chapter, "alternative fuel" means liquefied petroleum gas, a compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product, not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or a motor to propel a motor vehicle. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-2

"Alternative fuel compatible"

Sec. 2. As used in this chapter, "alternative fuel compatible", with respect to a fueling station, means capable of storing and delivering alternative fuel in conformance with any governmental or other nationally recognized standards that apply to the storage and handling of alternative fuel, as determined under standards adopted by the office under section 12(1) of this chapter.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-3

"Fueling station"

Sec. 3. As used in this chapter, "fueling station" refers to tangible property (other than a building and its structural components) that:

(1) consists of:

- (A) a tank or other storage unit;
- (B) a pump or other dispensing equipment; and
- (C) other components; and

(2) is used by:

- (A) a person engaged in the business of selling motor fuel at retail, to enable motor fuel to be dispensed directly into the fuel tank of a customer's motor vehicle;
- (B) a person engaged in a business, other than a business described in clause (A), to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle, if the fueling station is accessible to members of the public; or
- (C) a unit to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle, regardless of whether the fueling station is accessible to members of the public.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-4

"Location"

Sec. 4. As used in this chapter, "location" refers to one (1) or more parcels of land that:

- (1) have a common access to a public highway; and
- (2) are or would appear to the reasonable person making an observation from a public highway to be part of the same business.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-5 Version a

"Motor fuel"

Note: This version of section effective until 1-1-2014. See also following version of this section, effective 1-1-2014.

Sec. 5. (a) As used in this chapter, "motor fuel" has the meaning set forth in IC 6-6-4.1-1(g).

(b) The term includes alternative fuel.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-5 Version b

"Motor fuel"

Note: This version of section effective 1-1-2014. See also preceding version of this section, effective until 1-1-2014.

Sec. 5. (a) As used in this chapter, "motor fuel" has the meaning set forth in IC 6-6-4.1-1(i).

(b) The term includes alternative fuel.

As added by P.L.151-2009, SEC.1. Amended by P.L.277-2013, SEC.2.

IC 4-4-32.2-6

"Motor vehicle"

Sec. 6. As used in this chapter, "motor vehicle" has the meaning set forth in IC 15-11-11-4.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-7

"Office"

Sec. 7. As used in this chapter, "office" refers to the Indiana office of energy development established by IC 4-3-23-3.

As added by P.L.151-2009, SEC.1. Amended by P.L.34-2013, SEC.4.

IC 4-4-32.2-8

"Qualified investment"

Sec. 8. As used in this chapter, "qualified investment" refers to an ordinary and usual expense that is incurred after June 30, 2009, to purchase any part of an alternative fuel compatible fueling station for the purpose of:

- (1) installing a new alternative fuel compatible fueling station at a location on which a fueling station is not located; or
- (2) replacing an existing fueling station that is not an alternative fuel compatible fueling station with a fueling station that is an alternative fuel compatible fueling station.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-9

"Unit"

Sec. 9. As used in this chapter, "unit" means a county, city, town, township, or school corporation.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-10

Grant awards by the office; grant recipient must comply with office guidelines; one grant per location

Sec. 10. (a) Subject to subsections (b) and (c), the office may award a grant under this chapter to a person or unit that:

- (1) makes a qualified investment; and
- (2) places the alternative fuel compatible fueling station for which the qualified investment was made into service;

in Indiana for the dispensing of alternative fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the office in connection with grants awarded under this chapter.

(c) The office may not award more than one (1) grant under this chapter for a single location.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-11

Office determines amount of grant; limit on amount

Sec. 11. (a) Subject to subsection (b) and section 13 of this chapter, the office shall determine the amount of each grant awarded under this chapter.

(b) The amount of a grant awarded under this chapter for a location may not exceed the lesser of the following:

- (1) The amount of the grant recipient's qualified investment for the location.
- (2) Twenty thousand dollars (\$20,000).

(c) The amount of a grant awarded under this chapter for a location may be less than the amount of the grant recipient's qualified investment for the location.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-12

Administrative responsibilities of the office

Sec. 12. The office shall do the following:

- (1) Adopt guidelines to determine standards for awarding grants under this chapter, including standards for determining whether a fueling station complies with applicable governmental or other nationally recognized standards that apply to the storage and handling of alternative fuel.
- (2) Prepare and supervise the issuance of public information concerning the grant program established under this chapter.
- (3) Prescribe the form for and regulate the submission of applications for grants under this chapter.

(4) Determine an applicant's eligibility for a grant under this chapter.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-13

Limit on total grants awarded for all fiscal years

Sec. 13. The total amount of grants awarded under this chapter for all state fiscal years may not exceed one million dollars (\$1,000,000).

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-14

Alternative fuel fueling station grant fund; sources of funds; investment of money in fund; nonreverting fund; appropriation

Sec. 14. (a) The alternative fuel fueling station grant fund is established to provide grants under this chapter. The fund shall be administered by the office.

(b) The fund consists of:

- (1) money appropriated to the fund by the general assembly;
- (2) money received from state or federal grants or programs for alternative fuels projects; and
- (3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-15

Grant not subject to state adjusted gross income tax

Sec. 15. A grant awarded under this chapter is not subject to taxation under IC 6-3-1 through IC 6-3-7.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-16

Grant does not reduce basis of qualified property

Sec. 16. A grant awarded under this chapter does not reduce the basis of the qualified property for purposes of determining any gain or loss on the property when the grant recipient disposes of the property.

As added by P.L.151-2009, SEC.1.