



States' Biofuels Statutes

STATE OF INDIANA

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Current through the 2013 Legislative Session of the Indiana General Assembly.

15-11-11-0.3 “Biofuels” defined

Sec. 0.3. As used in this chapter, “biofuels” means biomass converted into liquid or gaseous fuels.

Credits: As added by P.L.95-2010, SEC.3, eff. Jan. 1, 2010.

15-11-11-0.7 “Biomass” defined

Sec. 0.7. As used in this chapter, “biomass” means agriculturally based sources of renewable energy, including the following:

- (1) Agricultural crops.
- (2) Agricultural wastes and residues.
- (3) Wood and wood byproducts, including the following:
 - (A) Wood residue.
 - (B) Forest thinning.
 - (C) Mill residue wood.
- (4) Animal wastes.
- (5) Animal byproducts.
- (6) Aquatic plants.

(7) Algae.

The term does not include waste from construction and demolition.

Credits: As added by P.L.95-2010, SEC.4, eff. Jan. 1, 2010.

15-11-11-1 “E85 base fuel” defined

Sec. 1. As used in this chapter, “E85 base fuel” has the meaning set forth for “E85” in IC 6-6-1.1-103(s).

Credits: As added by P.L.2-2008, SEC.2.

15-11-11-2 “Fueling station” defined

Sec. 2. As used in this chapter, “fueling station” refers to tangible property (other than a building and its structural components):

(1) consisting of:

(A) a tank;

(B) a pump; and

(C) other components; and

(2) that is used by either:

(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; or

(B) a unit to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle owned or leased by the unit.

Credits: As added by P.L.2-2008, SEC.2. Amended by P.L.91-2008, SEC.5.

15-11-11-3 “Location” defined

Sec. 3. 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 individual making an observation from a public highway to be part of the same business.

Credits: As added by P.L.2-2008, SEC.2. Amended by P.L.95-2010, SEC.5, eff. Jan. 1, 2010.

15-11-11-4 “Motor vehicle” defined

Sec. 4. As used in this chapter, “motor vehicle” means any vehicle that:

(1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and

(2) has at least four (4) wheels.

Credits: As added by P.L.2-2008, SEC.2.

15-11-11-4.3 “Person” defined

Sec. 4.3. As used in this chapter, “person” means:

(1) an individual;

(2) an agricultural producer;

(3) a partnership;

(4) a corporation;

(5) a limited liability company; or

(6) an unincorporated association.

Credits: As added by P.L.95-2010, SEC.6, eff. Jan. 1, 2010.

15-11-11-4.7 “Project” defined

Sec. 4.7. As used in this chapter, “project” refers to the production or distribution of biofuels through the use of a renewable energy system infrastructure.

Credits: As added by P.L.95-2010, SEC.7, eff. Jan. 1, 2010.

15-11-11-5 “Qualified investment” defined

Sec. 5. As used in this chapter, “qualified investment” refers to an ordinary and usual expense that is incurred:

(1) after June 30, 2007, to do either of the following:

(A) Purchase any part of a renewable fuel compatible fueling station for the purpose of:

(i) installing the new renewable fuel compatible fuel station at a location on which a fueling station is not located; or

(ii) converting an existing fueling station that is not a renewable fuel compatible fueling station into a fueling station that is a renewable fuel compatible fueling station.

(B) Refit any part of a fueling station that is not renewable fuel compatible as a renewable fuel compatible fueling station, including the costs of cleaning storage tanks and piping to remove petroleum sludge and other contaminants; or

(2) after December 31, 2009, for the installation of a renewable energy system infrastructure that uses commercial technologies to produce or distribute biofuels. It does not include a cost or expense for:

(A) research and development;

(B) land acquisition;

(C) agricultural tillage equipment;

(D) salaries; or

(E) other noninfrastructure purposes determined ineligible by the department.

Credits: As added by P.L.2-2008, SEC.2. Amended by P.L.95-2010, SEC.8, eff. Jan. 1, 2010.

15-11-11-6 “Renewable fuel compatible” defined

Sec. 6. As used in this chapter, “renewable fuel compatible” means:

(1) capable of storing and delivering E85 base fuel without contaminants resulting from deterioration from constant contact with alcohol fuels; and

(2) in conformity with applicable governmental standards, if any, and other nationally recognized standards applying to storage and handling of E85 base fuel, as determined under the standards prescribed by the department.

Credits: As added by P.L.2-2008, SEC.2.

15-11-11-6.5 “Unit” defined

<This version of section amended by P.L.148-2009, SEC.3. See also version of this section amended by P.L.4-2009, SEC.1.>

Sec. 6.5. As used in this chapter, “unit” means a city, town, county, township, school corporation (as defined in IC 20-18-2-16(a)), or state educational institution (as defined in IC 21-7-13-32).

Credits: As added by P.L.91-2008, SEC.6. Amended by P.L.148-2009, SEC.3.

15-11-11-6.5 “Unit” defined

<This version of section amended by P.L.4-2009, SEC.1. See also version of this section amended by P.L.148-2009, SEC.3.>

Sec. 6.5. As used in this chapter, “unit” means a city, town, county, township, school corporation (as defined in IC 20-18-2-16(a)), or a college or university (as defined in IC 21-7-13-10).

Credits: As added by P.L.91-2008, SEC.6. Amended by P.L.4-2009, SEC.1.

15-11-11-7 Eligibility for grant

Sec. 7. (a) Subject to subsection (c), the department may award a grant under this chapter to a person or unit that:

- (1) makes a qualified investment and places the qualified investment in service in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles; or
- (2) places a qualified investment in service in Indiana for the production or distribution of biofuels.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the department and the Indiana office of energy development.

(c) The department may not award more than one (1) grant under this chapter for a:

- (1) renewable fuel compatible fueling station at a location; or
- (2) project.

Credits: As added by P.L.2-2008, SEC.2. Amended by P.L.91-2008, SEC.7; P.L.95-2010, SEC.9, eff. Jan. 1, 2010; P.L.34-2013, SEC.13, eff. July 1, 2013.

15-11-11-8 Amount of grant

Sec. 8. (a) Subject to subsections (b) and (c), the department and the Indiana office of energy development shall determine the amount of each grant awarded under this chapter.

(b) The amount of a grant awarded under this chapter for a renewable fuel compatible fueling station at 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) A grant awarded under this chapter for a project must be awarded on a competitive basis and may not exceed the lesser of:

- (1) fifty percent (50%) of the grant recipient's qualified investment for the project; or
- (2) one hundred thousand dollars (\$100,000).

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

Credits: As added by P.L.2-2008, SEC.2. Amended by P.L.91-2008, SEC.8; P.L.95-2010, SEC.10, eff. Jan. 1, 2010; P.L.34-2013, SEC.14, eff. July 1, 2013.

15-11-11-9 Duties of department

Sec. 9. The department shall do the following:

- (1) Prepare and supervise the issuance of public information concerning the grant program established under this chapter.
- (2) Prescribe the form for and regulate the submission of applications for grants under this chapter.
- (3) Determine an applicant's eligibility for a grant under this chapter.

Credits: As added by P.L.2-2008, SEC.2.

15-11-11-10 Maximum total amount of grant

Sec. 10. The total amount of grants awarded under this chapter for all state fiscal years may not exceed one million dollars (\$1,000,000).

Credits: As added by P.L.2-2008, SEC.2.

15-11-11-11 Establishment of fund

Sec. 11. (a) The agricultural biomass infrastructure grant fund is established to provide grants under this chapter.

(b) The fund consists of appropriations from the general assembly.

(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.

Credits: As added by P.L.2-2008, SEC.2. Amended by P.L.95-2010, SEC.11, eff. Jan. 1, 2010.

15-11-11-12 Tax exemption

Sec. 12. A grant awarded under this chapter is not subject to taxation under IC 6-3-1 through IC 6-3-7.

Credits: As added by P.L.2-2008, SEC.2.

15-11-11-13 Basis of qualified property

Sec. 13. 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.

Credits: As added by P.L.2-2008, SEC.2.