

**NOTICE OF PUBLIC HEARING ON WAYNE COUNTY
COUNCIL’S PROPOSED ORDINANCE TO ADOPT THE
LOCAL OPTION HIGHWAY USER TAXES (“LOHUT”),
THE MOTOR VEHICLE EXCISE SURTAX AND THE
COUNTY WHEEL TAX**

NOTICE IS HEREBY GIVEN that the Wayne County Council, as the fiscal body of Wayne County, Indiana, Government, will hold a public hearing on its consideration of adoption of an ordinance to implement a LOHUT tax package consisting of the adoption of the Motor Vehicle Excise Surtax and the County Wheel Tax.

The public hearing on the proposed adoption of the ordinance will be held on Wednesday, August 25, 2025, at approximately 6:00 p.m., (Local Time) in the Commissioners’/Council Chambers of the Wayne County Administration Building, 401 East Main Street, Richmond, Wayne County, Indiana. The public is invited to offer its comments on the proposed ordinance. A copy of the proposed ordinance, County Council Ordinance No. 2025-01, is reproduced and appears immediately below this Notice as “Exhibit A”.

WAYNE COUNTY COUNCIL

By: S/ Max Smith
Max Smith, President

WAYNE COUNTY COUNCIL

Ordinance No. 2025 – 01

AN ORDINANCE OF THE WAYNE COUNTY COUNCIL ADOPTING THE LOCAL
OPTION HIGHWAY USER TAX (“LOHUT”) (MOTOR VEHICLE EXCISE SURTAX
AND WHEEL TAX) FOR APPLICATION COUNTYWIDE IN WAYNE COUNTY,
INDIANA

WHEREAS, Indiana Code §6-3.5-4, as amended (the “Motor Vehicle Excise Surtax”) authorizes the County Council to impose, by ordinance, a local annual license Excise Surtax on all passenger vehicles, motorcycles and trucks with a declared weight of 11,000 pounds or less, which are registered in Wayne County and subject to annual license excise tax imposed under Indiana Code §6-6-5, as amended (the “State Excise Tax”); and

WHEREAS, the Motor Vehicle Excise Surtax Act authorizes the County Council to impose the surtax either: (1) at a specific amount of at least \$7.50 and not more than \$25 on each vehicle subject to the Surtax; or (2) at a rate of not less than 2% nor more than 10% of the amounts set forth in Indiana Code §6-3.5-4-7.3(b), which are based upon the classification and age of each vehicle, but in no event less than \$7.50 per vehicle; and pursuant to Indiana Code §6-3.5-4-2(c)(2), Wayne County may impose a surtax at a rate of up to \$50.00 per vehicle if it has adopted a certified Transportation Asset Management Plan, which it has done and which has been reviewed and certified by the Indiana Local Technical Assistance Program (LTAP); a copy of which will be submitted to the appropriate agencies with a copy of this Ordinance No. 2025-01; and

WHEREAS, Indiana Code §6-3.5-5, as amended (the “County Wheel Tax Act”), authorizes the County Council to impose by ordinance an annual Wheel Tax (the “Wheel Tax”) at a rate of not less than \$5.00 nor more than \$80.00 on certain classes of vehicles, which are registered in Wayne County and are not subject to the Surtax and not exempt from the Wheel Tax; and

WHEREAS, Indiana Code §6-3.5-4-2 and Indiana Code §6-3.5-5-2 mandate that the County Council adopt the Motor Vehicle Excise Surtax and the County Wheel Tax (collectively, “LOHUT”) concurrently; and

WHEREAS, the Wayne County Highway Department has developed a Transportation Asset Management Plan (the “TAMP”) detailing the County’s roads and bridges needs and priorities. The TAMP has been reviewed and certified by the Indiana Local Technical Assistance Program (“LTAP”) as meeting applicable standards, which is a prerequisite for implementing the maximum LOHUT rates under the LOHUT enabling statutes. The Wayne County Council hereby finds that the adoption of LOHUT is consistent with the TAMP and is in the best interests of the public.

WHEREAS, the Wayne County Council desires to adopt both the Excise Surtax and Wheel Tax, in compliance with the statutory requirements, for the purpose of generating revenue to support the construction, reconstruction, repair, and maintenance of highways, roads, streets and bridges under the jurisdiction of the County and its municipalities.

NOW, THEREFORE, BE IT ORDAINED by the Wayne County Council of Wayne County, Indiana as follows:

1. Definitions. All terms shall have the meaning set forth in Indiana Code §6-3.5-4, Indiana Code §6-3.5-5, and related provisions of the Indiana Code.

2. Excise Surtax. Effective January 1, 2026, all motor vehicles registered in Wayne County and subject to the State Motor Vehicle Excise Tax under Indiana Code §6-6-5 shall be subject to the Motor Vehicle Excise Surtax (“Surtax”), in accordance with the provisions of the County Motor Vehicle Excise Surtax Act (Indiana Code §6-3.5-4). The Surtax shall be paid with the registration of each such motor vehicle. The following percentage Surtax amounts shall apply to each qualifying vehicle class defined in Indiana Code as follows:

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| Passenger Motor Vehicles | 20.0% |
| Motorcycles | 20.0% |
| Motor Driven Cycles (Mopeds) | 20.0% |
| Collector Vehicles | 20.0% |
| Trailer Vehicles (gross weight = or < 9,000 lbs.) | 20.0% |
| Trucks (gross weight = or < 11,000 lbs.) | 20.0% |
| Mini-trucks | 20.0% |
| Military Vehicles | 20.0% |

Those amounts represent the maximum allowable rate pursuant to Indiana Code §6-3.5-4-2(c)(1), authorized due to Wayne County’s certified transportation plan. The Indiana Bureau of Motor Vehicles shall collect the Surtax at the time of registration. The County Treasurer

shall deposit all Surtax revenue into a fund known as the “Wayne County Surtax Fund”. The County Auditor shall distribute the money in accordance with Indiana Code §6-3.5-4-13.

3. Wheel Tax. Effective January 1, 2026, all vehicles registered in Wayne County shall be subject to the County Wheel Tax, in accordance with the provisions of the County Wheel Tax Act (Indiana Code §6-3.5-5). The Wheel Tax shall be paid with the registration of each such motor vehicle. The following flat Wheel Tax amounts shall apply to each qualifying vehicle:

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| Buses | \$80 |
| Recreational Vehicles | \$80 |
| Semi-trailers | \$80 |
| Tractors | \$80 |
| Trailers | \$80 |
| Trucks | \$80 |

These amounts are imposed pursuant to Indiana Code §6-3.5-5-2(c)(2) and Indiana Code §6-3.5-5-2(d) due to the County’s certified Transportation Asset Management Plan.

4. Exemptions. Pursuant to the County Wheel Tax Act, a vehicle is exempt from the Wheel Tax if it is:

- owned by the State of Indiana or a State agency or a political subdivision thereof; or
- subject the annual license excise surtax imposed by Indiana Code §6-3.5-4; or

- a bus owned and operated by a religious or nonprofit youth organization and used to haul a person to religious services for the benefit of its members; or
 - a school bus; or
- a motor vehicle that is funeral equipment and that is used in the operation of funeral services (as defined in Indiana Code §25-15-2-7).

5. Administration. The Indiana Bureau of Motor Vehicles (BMV) shall collect the Surtax and Wheel Tax at the time of vehicle registration and remit the funds to Wayne County as provided by law. All revenues from the Excise Surtax shall be deposited into the Wayne County Surtax Fund. All revenues from the Wheel Tax shall be deposited into the Wayne County Wheel Tax Fund.

6. Distribution and Use. Funds shall be distributed and used in accordance with Indiana Code §6-3.5-4-13, Indiana Code §6-3.5-5-15, and Indiana Code §8-14-2-4. Recipients of the revenues, including Wayne County and its municipalities, may only use the Surtax funds for the following:

- to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or
- for the county's, city's or town's contribution to obtain a grant from the local road and bridge matching grant fund under Indiana Code §8-23-30.

Further, Wayne County and its municipalities may only use the Wheel Tax revenues they receive to:

- to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or
- for the county's, city's or town's contribution to obtain a grant from the local road and bridge matching grant fund under Indiana Code §8-23-30; or
- as a contribution to an authority established under Indiana Code §36-7-23 (a multiple jurisdiction infrastructure authority).

7. Effective Date and Transmittal. This Ordinance shall be effective upon passage and provided to the Indiana Bureau of Motor Vehicles prior to September 1, 2025. However, collection of the Surtax and Wheel Tax shall not begin until January 1, 2026, in accordance with Indiana Code §6-3.5-4-3 and Indiana Code §6-3.5-5-5. The Wayne County Auditor is hereby directed to send a copy of this Ordinance to the Commissioner of the Indiana Bureau of Motor Vehicles as required by Indiana Law.