

HOUSE BILL No. 4739

June 17, 2015, Introduced by Reps. McCready, Poleski, Callton, Muxlow and Yonker and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1980 PA 119, entitled
 "Motor carrier fuel tax act,"
 by amending section 2 (MCL 207.212), as amended by 2006 PA 346.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A motor carrier licensed under this act shall pay
 2 a road tax calculated on the amount of motor fuel consumed in
 3 qualified commercial motor vehicles on the public roads or highways
 4 within this state. ~~Except as otherwise provided under subsection~~
 5 ~~(6), the~~ **THE** tax shall be at the rate of ~~15 cents per gallon on~~
 6 **PRESCRIBED UNDER SECTION 8(1) OF THE MOTOR FUEL TAX ACT, 2000 PA**
 7 **403, MCL 207.1008, FOR** motor fuel consumed on the public roads or
 8 highways within this state. In addition, qualified commercial motor
 9 vehicles licensed under this act that travel in interstate commerce

1 ~~will be~~ **ARE** subject to the definition of taxable motor fuels and
2 rates as defined by the respective international fuel tax agreement
3 member jurisdictions. A **MOTOR CARRIER LICENSED UNDER THIS ACT SHALL**
4 **FILE A** return ~~shall be filed,~~ and **PAY** the tax due ~~paid,~~ quarterly
5 to the department on or before the last day of January, April,
6 July, and October of each year on a form prescribed and furnished
7 by the department. Each quarterly return and tax payment shall
8 cover the liability for the annual quarter ending on the last day
9 of the preceding month.

10 (2) The amount of motor fuel consumed in the operation of a
11 motor carrier on public roads or highways within this state shall
12 be determined by dividing the miles traveled within ~~Michigan~~ **THIS**
13 **STATE** by the average miles per gallon of motor fuel. The average
14 miles per gallon of motor fuel shall be determined by dividing the
15 miles traveled within and outside of ~~Michigan~~ **THIS STATE** by the
16 total amount of motor fuel consumed within and outside of
17 ~~Michigan~~ **THIS STATE**.

18 (3) In the absence of records showing the average number of
19 miles operated per gallon of motor fuel, it ~~shall be~~ **IS** presumed
20 that 1 gallon of motor fuel is consumed for every 4 miles traveled.

21 (4) The quarterly tax return shall be accompanied by a
22 remittance covering any tax due.

23 (5) The commissioner, when he or she considers it necessary to
24 ensure payment of the tax or to provide a more efficient
25 administration of the tax, may require the filing of returns and
26 payment of the tax for other than quarterly periods.

27 ~~— (6) The road tax required under this section shall be at a~~

1 ~~rate of 12 cents per gallon for diesel fuel that contains at least~~
2 ~~5% biodiesel. As used in this subsection, "biodiesel" means a fuel~~
3 ~~composed of mono-alkyl esters of long chain fatty acids derived~~
4 ~~from vegetable oils or animal fats and, in accordance with~~
5 ~~standards specified by the American society for testing and~~
6 ~~materials, designated B100 and meeting the requirements of D-6751,~~
7 ~~as approved by the department of agriculture.~~

8 ~~—— (7) Beginning on September 1, 2006, the state treasurer shall~~
9 ~~annually determine, for the 12-month period ending May 1 and for~~
10 ~~any additional times that the treasurer may determine, the~~
11 ~~difference between the amount of motor fuel tax collected and the~~
12 ~~amount of motor fuel tax that would have been collected but for the~~
13 ~~differential rates on motor fuel in section 8 of the motor fuel tax~~
14 ~~act, 2000 PA 403, MCL 207.1008, and on motor fuel in subsection~~
15 ~~(6). Subsection (6) is no longer effective the earlier of 10 years~~
16 ~~after September 1, 2006 or the first day of the first month that is~~
17 ~~not less than 90 days after the state treasurer certifies that the~~
18 ~~total cumulative rate differential due to the differential rates in~~
19 ~~section 8 of the motor fuel tax act, 2000 PA 403, MCL 207.1008, and~~
20 ~~subsection (6) from September 1, 2006 is greater than~~
21 ~~\$2,500,000.00.~~

22 ~~—— (8) The legislature shall annually appropriate to the Michigan~~
23 ~~transportation fund created in 1951 PA 51, MCL 247.651 to 247.675,~~
24 ~~the amount determined as the rate differential certified by the~~
25 ~~state treasurer for the 12-month period ending on May 1 of the~~
26 ~~calendar year in which the fiscal year begins. Subsection (6) shall~~
27 ~~not be effective beginning January of any fiscal year for which the~~

1 ~~appropriation required under this subsection has not been made by~~
2 ~~the first day of the fiscal year.~~

3 Enacting section 1. This amendatory act takes effect October
4 1, 2015.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No. _____ or House Bill No. 4738 (request no.
7 02987'15) of the 98th Legislature is enacted into law.