

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 675

AN ACT

To repeal section 304.190, RSMo, and section 142.803 as enacted by house bill no. 2141, ninety-seventh general assembly, second regular session, and to enact in lieu thereof two new sections relating to transportation.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Section 304.190, RSMo, and section 142.803 as  
2 enacted by house bill no. 2141, ninety-seventh general assembly,  
3 second regular session, are repealed and two new sections enacted  
4 in lieu thereof, to be known as sections 142.803 and 304.190, to  
5 read as follows:

6           142.803. 1. A tax is levied and imposed on all motor fuel  
7 used or consumed in this state as follows:

8           (1) Motor fuel, seventeen cents per gallon until December  
9 31, 2015. Thereafter, such tax shall be eighteen and one-half  
10 cents per gallon except on diesel fuel. Beginning January 1,  
11 2016, the tax on diesel fuel shall be twenty and one-half cents  
12 per gallon;

13           (2) Alternative fuels, not subject to the decal fees as  
14 provided in section 142.869, with a power potential equivalent of  
15 motor fuel. In the event alternative fuel, which is not commonly  
16 sold or measured by the gallon, is used in motor vehicles on the  
17 highways of this state, the director is authorized to assess and  
18 collect a tax upon such alternative fuel measured by the nearest

1 power potential equivalent to that of one gallon of regular grade  
2 gasoline. The determination by the director of the power  
3 potential equivalent of such alternative fuel shall be prima  
4 facie correct;

5 (3) Aviation fuel used in propelling aircraft with  
6 reciprocating engines, nine cents per gallon as levied and  
7 imposed by section 155.080 to be collected as required under this  
8 chapter;

9 (4) Compressed natural gas fuel, five cents per gasoline  
10 gallon equivalent until December 31, 2019, eleven cents per  
11 gasoline gallon equivalent from January 1, 2020, until December  
12 31, 2024, and then seventeen cents per gasoline gallon equivalent  
13 thereafter. The gasoline gallon equivalent and method of sale  
14 for compressed natural gas shall be as published by the National  
15 Institute of Standards and Technology in Handbooks 44 and 130,  
16 and supplements thereto or revisions thereof. In the absence of  
17 such standard or agreement, the gasoline gallon equivalent and  
18 method of sale for compressed natural gas shall be equal to five  
19 and sixty-six-hundredths pounds of compressed natural gas. All  
20 applicable provisions contained in this chapter governing  
21 administration, collections, and enforcement of the state motor  
22 fuel tax shall apply to the tax imposed on compressed natural  
23 gas, including but not limited to licensing, reporting,  
24 penalties, and interest;

25 (5) Liquefied natural gas fuel, five cents per diesel  
26 gallon equivalent until December 31, 2019, eleven cents per  
27 diesel gallon equivalent from January 1, 2020, until December 31,  
28 2024, and then seventeen cents per diesel gallon equivalent

1 thereafter. The diesel gallon equivalent and method of sale for  
2 liquefied natural gas shall be as published by the National  
3 Institute of Standards and Technology in Handbooks 44 and 130,  
4 and supplements thereto or revisions thereof.

5 In the absence of such standard or agreement, the diesel gallon  
6 equivalent and method of sale for liquefied natural gas shall be  
7 equal to six and six-hundredths pounds of liquefied natural gas.  
8 All applicable provisions contained in this chapter governing  
9 administration, collections, and enforcement of the state motor  
10 fuel tax shall apply to the tax imposed on liquefied natural gas,  
11 including but not limited to licensing, reporting, penalties, and  
12 interest;

13 (6) If a natural gas, compressed natural gas, or liquefied  
14 natural gas connection is used for fueling motor vehicles and for  
15 another use, such as heating, the tax imposed by this section  
16 shall apply to the entire amount of natural gas, compressed  
17 natural gas, or liquefied natural gas used unless an approved  
18 separate metering and accounting system is in place.

19 2. All taxes, surcharges and fees are imposed upon the  
20 ultimate consumer, but are to be precollected as described in  
21 this chapter, for the facility and convenience of the consumer.  
22 The levy and assessment on other persons as specified in this  
23 chapter shall be as agents of this state for the precollection of  
24 the tax.

25 3. The provisions of this section shall be effective August  
26 28, 2015, provided however that the provisions of subdivisions  
27 (4) to (6) of subsection 1 of this section shall become effective  
28 January 1, 2016.

1           304.190. 1. No motor vehicle, unladen or with load,  
2 operating exclusively within the corporate limits of cities  
3 containing seventy-five thousand inhabitants or more or within  
4 two miles of the corporate limits of the city or within the  
5 commercial zone of the city shall exceed fifteen feet in height.

6           2. No motor vehicle operating exclusively within any said  
7 area shall have a greater weight than twenty-two thousand four  
8 hundred pounds on one axle.

9           3. The "commercial zone" of the city is defined to mean  
10 that area within the city together with the territory extending  
11 one mile beyond the corporate limits of the city and one mile  
12 additional for each fifty thousand population or portion thereof  
13 provided, however:

14           (1) The commercial zone surrounding a city not within a  
15 county shall extend twenty-five miles beyond the corporate limits  
16 of any such city not located within a county and shall also  
17 extend throughout any county with a charter form of government  
18 which adjoins that city and throughout any county with a charter  
19 form of government and with more than two hundred fifty thousand  
20 but fewer than three hundred fifty thousand inhabitants that is  
21 adjacent to such county adjoining such city;

22           (2) The commercial zone of a city with a population of at  
23 least four hundred thousand inhabitants but not more than four  
24 hundred fifty thousand inhabitants shall extend twelve miles  
25 beyond the corporate limits of any such city; except that this  
26 zone shall extend from the southern border of such city's limits,  
27 beginning with the western-most freeway, following said freeway  
28 south to the first intersection with a multilane undivided

1 highway, where the zone shall extend south along said freeway to  
2 include a city of the fourth classification with more than eight  
3 thousand nine hundred but less than nine thousand inhabitants,  
4 and shall extend north from the intersection of said freeway and  
5 multilane undivided highway along the multilane undivided highway  
6 to the city limits of a city with a population of at least four  
7 hundred thousand inhabitants but not more than four hundred fifty  
8 thousand inhabitants, and shall extend east from the city limits  
9 of a special charter city with more than two hundred seventy-five  
10 but fewer than three hundred seventy-five inhabitants along State  
11 Route 210 and northwest from the intersection of State Route 210  
12 and State Route 10 to include the boundaries of any city of the  
13 third classification with more than ten thousand eight hundred  
14 but fewer than ten thousand nine hundred inhabitants and located  
15 in more than one county. The commercial zone shall continue east  
16 along State Route 10 from the intersection of State Route 10 and  
17 State Route 210 to the eastern city limit of a city of the fourth  
18 classification with more than five hundred fifty but fewer than  
19 six hundred twenty-five inhabitants and located in any county of  
20 the third classification without a township form of government  
21 and with more than twenty-three thousand but fewer than  
22 twenty-six thousand inhabitants and with a city of the third  
23 classification with more than five thousand but fewer than six  
24 thousand inhabitants as the county seat. The commercial zone  
25 described in this subdivision shall be extended to also include  
26 the stretch of State Route 45 from its intersection with  
27 Interstate 29 extending northwest to the city limits of any  
28 village with more than forty but fewer than fifty inhabitants and

1 located in any county of the first classification with more than  
2 eighty-three thousand but fewer than ninety-two thousand  
3 inhabitants and with a city of the fourth classification with  
4 more than four thousand five hundred but fewer than five thousand  
5 inhabitants as the county seat;

6 (3) The commercial zone of a city of the third  
7 classification with more than nine thousand six hundred fifty but  
8 fewer than nine thousand eight hundred inhabitants shall extend  
9 south from the city limits along U.S. Highway 61 to the  
10 intersection of State Route OO in a county of the third  
11 classification without a township form of government and with  
12 more than seventeen thousand eight hundred but fewer than  
13 seventeen thousand nine hundred inhabitants;

14 (4) The commercial zone of a home rule city with more than  
15 one hundred eight thousand but fewer than one hundred sixteen  
16 thousand inhabitants and located in a county of the first  
17 classification with more than one hundred fifty thousand but  
18 fewer than two hundred thousand inhabitants shall extend north  
19 from the city limits along U.S. Highway 63 [for eight miles,  
20 and], a state highway, to the intersection of State Route NN, and  
21 shall continue west and south along State Route NN to the  
22 intersection of State Route 124, and shall extend east from the  
23 intersection along State Route 124 to U.S. Highway 63. The  
24 commercial zone described in this subdivision shall also extend  
25 east from the city limits along State Route WW to the  
26 intersection of State Route J and continue south on State Route J  
27 for four miles.

28 4. In no case shall the commercial zone of a city be

1 reduced due to a loss of population. The provisions of this  
2 section shall not apply to motor vehicles operating on the  
3 interstate highways in the area beyond two miles of a corporate  
4 limit of the city unless the United States Department of  
5 Transportation increases the allowable weight limits on the  
6 interstate highway system within commercial zones. In such case,  
7 the mileage limits established in this section shall be  
8 automatically increased only in the commercial zones to conform  
9 with those authorized by the United States Department of  
10 Transportation.

11 5. Nothing in this section shall prevent a city, county, or  
12 municipality, by ordinance, from designating the routes over  
13 which such vehicles may be operated.

14 6. No motor vehicle engaged in interstate commerce, whether  
15 unladen or with load, whose operations in the state of Missouri  
16 are limited exclusively to the commercial zone of a first class  
17 home rule municipality located in a county with a population  
18 between eighty thousand and ninety-five thousand inhabitants  
19 which has a portion of its corporate limits contiguous with a  
20 portion of the boundary between the states of Missouri and  
21 Kansas, shall have a greater weight than twenty-two thousand four  
22 hundred pounds on one axle, nor shall exceed fifteen feet in  
23 height.