

FIRST REGULAR SESSION

SENATE BILL NO. 540

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Read 1st time February 25, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2282S.03I

AN ACT

To repeal section 142.803 as enacted by house bill no. 2141, ninety-seventh general assembly, second regular session, and section 142.803 as enacted by house bill no. 1196, ninety-first general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to motor fuel taxes, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 142.803 as enacted by house bill no. 2141, ninety-seventh general assembly, second regular session, and section 142.803 as enacted by house bill no. 1196, ninety-first general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 142.803, to read as follows:

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

(1) Motor fuel, [seventeen] **nineteen** cents per gallon **until twelve months from the effective date of this act. Such tax shall be twenty-one cents per gallon beginning twelve months from the effective date of this act and until twenty-four months from the effective date of this act. Such tax shall be twenty-three cents per gallon beginning twenty-four months from the effective date of this act and until thirty-six months from the effective date of this act. Beginning thirty-six months from the effective date of this act, the rate of the tax imposed under this subdivision shall be adjusted annually by the percent increase in inflation;**

(2) Alternative fuels, not subject to the decal fees as provided in section

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 142.869, with a power potential equivalent of motor fuel. In the event alternative
15 fuel, which is not commonly sold or measured by the gallon, is used in motor
16 vehicles on the highways of this state, the director is authorized to assess and
17 collect a tax upon such alternative fuel measured by the nearest power potential
18 equivalent to that of one gallon of regular grade gasoline. The determination by
19 the director of the power potential equivalent of such alternative fuel shall be
20 prima facie correct;

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

24 (4) Compressed natural gas fuel, five cents per gasoline gallon equivalent
25 until December 31, 2019, eleven cents per gasoline gallon equivalent from
26 January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline
27 gallon equivalent thereafter. The gasoline gallon equivalent and method of sale
28 for compressed natural gas shall be as published by the National Institute of
29 Standards and Technology in Handbooks 44 and 130, and supplements thereto
30 or revisions thereof. In the absence of such standard or agreement, the gasoline
31 gallon equivalent and method of sale for compressed natural gas shall be equal
32 to five and sixty-six-hundredths pounds of compressed natural gas. All applicable
33 provisions contained in this chapter governing administration, collections, and
34 enforcement of the state motor fuel tax shall apply to the tax imposed on
35 compressed natural gas, including but not limited to licensing, reporting,
36 penalties, and interest;

37 (5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until
38 December 31, 2019, eleven cents per diesel gallon equivalent from January 1,
39 2020, until December 31, 2024, and then seventeen cents per diesel gallon
40 equivalent thereafter. The diesel gallon equivalent and method of sale for
41 liquefied natural gas shall be as published by the National Institute of Standards
42 and Technology in Handbooks 44 and 130, and supplements thereto or revisions
43 thereof. In the absence of such standard or agreement, the diesel gallon
44 equivalent and method of sale for liquefied natural gas shall be equal to six and
45 six-hundredths pounds of liquefied natural gas. All applicable provisions
46 contained in this chapter governing administration, collections, and enforcement
47 of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas,
48 including but not limited to licensing, reporting, penalties, and interest;

49 (6) If a natural gas, compressed natural gas, or liquefied natural gas

50 connection is used for fueling motor vehicles and for another use, such as heating,
51 the tax imposed by this section shall apply to the entire amount of natural gas,
52 compressed natural gas, or liquefied natural gas used unless an approved
53 separate metering and accounting system is in place.

54 2. All taxes, surcharges and fees are imposed upon the ultimate consumer,
55 but are to be precollected as described in this chapter, for the facility and
56 convenience of the consumer. The levy and assessment on other persons as
57 specified in this chapter shall be as agents of this state for the precollection of the
58 tax.

59 3. As used in this section, the following terms mean:

60 (1) "CPI", the Consumer Price Index for All Urban Consumers for
61 the United States as reported by the Bureau of Labor Statistics, or its
62 successor index;

63 (2) "CPI for the preceding year", the average of the CPI as of the
64 close of the twelve month period ending three months prior to the date
65 on which adjustment is required;

66 (3) "Percent increase in inflation", the percentage, if any, by
67 which the CPI for the preceding year exceeds the CPI for the twelve
68 month period beginning nine months after the effective date of this act.

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

3 (1) Motor fuel, [seventeen] **nineteen** cents per gallon **until twelve**
4 **months from the effective date of this act. Such tax shall be twenty-one**
5 **cents per gallon beginning twelve months from the effective date of this**
6 **act and until twenty-four months from the effective date of this**
7 **act. Such tax shall be twenty-three cents per gallon beginning twenty-**
8 **four months from the effective date of this act and until thirty-six**
9 **months from the effective date of this act. Beginning thirty-six months**
10 **from the effective date of this act, the rate of the tax imposed under**
11 **this subdivision shall be adjusted annually by the percent increase in**
12 **inflation;**

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

18 equivalent to that of one gallon of regular grade gasoline. The determination by
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23 required under this chapter.

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25 but are to be precollected as described in this chapter, for the facility and
26 convenience of the consumer. The levy and assessment on other persons as
27 specified in this chapter shall be as agents of this state for the precollection of the
28 tax.

29 **3. As used in this section, the following terms mean:**

30 (1) "CPI", the Consumer Price Index for All Urban Consumers for
31 the United States as reported by the Bureau of Labor Statistics, or its
32 successor index;

33 (2) "CPI for the preceding year", the average of the CPI as of the
34 close of the twelve month period ending three months prior to the date
35 on which adjustment is required;

36 (3) "Percent increase in inflation", the percentage, if any, by
37 which the CPI for the preceding year exceeds the CPI for the twelve
38 month period beginning nine months after the effective date of this act.

Section B. Because immediate action is necessary to provide funding for
2 transportation in this state, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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