

SENATE BILL NO. 818

December 2, 1997, Introduced by Senator EMMONS and
referred to the Committee on Finance.

A bill to amend 1980 PA 119, entitled
"Motor carrier fuel tax act,"
by amending sections 2 and 6 (MCL 207.212 and 207.216), as
amended by 1996 PA 584.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A motor carrier licensed under this act shall
2 pay a road tax calculated on the amount of motor fuel consumed in
3 qualified commercial motor vehicles on the public roads or high-
4 ways within this state. The tax shall be at the rate of 21 cents
5 per gallon on motor fuel consumed on the public roads or highways
6 within this state. In addition, qualified commercial motor vehi-
7 cles licensed under this act that travel in interstate commerce
8 will be subject to the definition of taxable motor fuels and
9 rates as defined by the respective international fuel tax
10 agreement member jurisdictions. A return shall be filed, and the

1 tax due paid, quarterly to the department on or before the last
2 day of January, April, July, and October of each year on a form
3 prescribed and furnished by the department. Each quarterly
4 return and tax payment shall cover the liability for the annual
5 quarter ending on the last day of the preceding month.

6 (2) The amount of motor fuel consumed in the operation of a
7 motor carrier on public roads or highways within this state shall
8 be determined by dividing the miles traveled within Michigan by
9 the average miles per gallon of motor fuel. The average miles
10 per gallon of motor fuel shall be determined by dividing the
11 miles traveled within and outside of Michigan by the total amount
12 of motor fuel consumed within and outside of Michigan.

13 (3) In the absence of records showing the average number of
14 miles operated per gallon of motor fuel, it shall be presumed
15 that 1 gallon of motor fuel is consumed for every 4 miles
16 traveled.

17 (4) The quarterly tax return shall be accompanied by a
18 remittance ~~covering any~~ OF THE tax due.

19 (5) ~~The commissioner, when~~ WHEN he or she considers it
20 necessary to ensure payment of the tax or to provide a more effi-
21 cient administration of the tax, THE COMMISSIONER may require the
22 filing of returns and payment of the tax for other than THE quar-
23 terly periods PRESCRIBED IN THIS SECTION.

24 Sec. 6. (1) If the holder of the motor carrier license at
25 any time refuses or neglects to file the ~~required~~ quarterly
26 report REQUIRED BY SECTION 2, and pay the full amount of tax at
27 the time and in the manner and place the quarterly report is

1 required to be filed, the department may revoke, after a
2 conference held with the department, a license issued pursuant to
3 section 5, and shall promptly notify the holder of the license of
4 the revocation by notice sent by registered mail to the last
5 known address of the holder. If the quarterly report is filed
6 and the tax is paid within 7 days after ~~their~~ THE due date and
7 it is established that the delay was due to accident or reason-
8 able cause, the department may continue the license.

9 (2) The department may refuse to issue a license if the
10 application meets 1 or more of the following conditions:

11 (a) Is filed by a person whose license at any time has been
12 revoked by the department.

13 (b) Contains a misrepresentation, misstatement, or omission
14 of information required by the application.

15 (c) Is filed by another person as a subterfuge for the real
16 person in interest whose license has been revoked for cause by
17 the department.

18 (d) Is filed by a person who is delinquent in the payment of
19 a fee, tax, penalty, or other amount due the department.

20 (3) A person whose license has been revoked or a person who
21 has been refused a license may appeal the decision of the depart-
22 ment under the procedures prescribed in ~~Act No. 122 of the~~
23 ~~Public Acts of 1941, being sections 205.1 to 205.31 of the~~
24 ~~Michigan Compiled Laws~~ 1941 PA 122, MCL 205.1 TO 205.31.