

SENATE BILL No. 1266

May 11, 2000, Introduced by Senator MC MANUS and referred to the Committee on Transportation and Tourism.

A bill to amend 1980 PA 119, entitled
"Motor carrier fuel tax act,"
by amending sections 1 and 4 (MCL 207.211 and 207.214), as
amended by 1996 PA 584.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Axle" means any 2 or more load-carrying wheels mounted
3 in a single transverse vertical plane.

4 (b) "Commissioner" means the state commissioner of revenue.

5 (c) "Department" means the revenue division of the depart-
6 ment of treasury.

7 (d) "Motor carrier" means a person who operates or causes to
8 be operated a qualified commercial motor vehicle on a public road
9 or highway in this state.

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1 (e) "Motor fuel" means diesel ~~motor~~ fuel as defined by
2 ~~Act No. 150 of the Public Acts of 1927, being sections 207.101~~
3 ~~to 207.202 of the Michigan Compiled Laws~~ THE MOTOR FUEL TAX
4 ACT.

5 (f) "Nonprofit private, parochial, denominational, or public
6 school, college, or university" means an elementary, secondary,
7 or postsecondary educational facility.

8 (g) "Person" means a natural person, partnership, firm,
9 association, joint stock company, limited liability company,
10 limited liability partnership, syndicate, or corporation, and any
11 receiver, trustee, conservator, or officer, other than a unit of
12 government, having jurisdiction and control of property by virtue
13 of law or by appointment of a court.

14 (h) "Public roads or highways" means a road, street, or
15 place maintained by this state or a political subdivision of this
16 state and generally open to use by the public as a matter of
17 right for the purpose of vehicular travel, notwithstanding that
18 they may be temporarily closed or travel restricted for the pur-
19 pose of construction, maintenance, repair, or reconstruction.

20 (i) "Qualified commercial motor vehicle" means a motor vehi-
21 cle used, designed, or maintained for transportation of persons
22 or property and 1 of the following:

23 (i) Having 3 or more axles regardless of weight.

24 (ii) Having 2 axles and a gross vehicle weight or registered
25 gross vehicle weight exceeding 26,000 pounds or 12,000
26 kilograms.

1 (iii) Is used in a combination of vehicles, if the weight of
2 that combination exceeds 26,000 pounds or 12,000 kilograms gross
3 vehicle or registered gross vehicle weight.

4 (j) "Qualified commercial motor vehicle" shall not include a
5 recreational vehicle or a road tractor, truck, or truck tractor
6 owned by a farmer and used in connection with the farmer's farm-
7 ing operation and not used for hire or a school bus, a bus
8 defined and certificated under the motor bus transportation act,
9 ~~Act No. 432 of the Public Acts of 1982, being sections 474.101~~
10 ~~to 474.141 of the Michigan Compiled Laws~~ 1982 PA 432, MCL
11 474.101 TO 474.141, or a bus operated by a public transit agency
12 operating under any of the following:

13 (i) A county, city, township, or village as provided by law,
14 or other authority incorporated under ~~Act No. 55 of the Public~~
15 ~~Acts of 1963, being sections 124.351 to 124.359 of the Michigan~~
16 ~~Compiled Laws~~ 1963 PA 55, MCL 124.351 TO 124.359. Each author-
17 ity and governmental agency incorporated under ~~Act No. 55 of the~~
18 ~~Public Acts of 1963~~ 1963 PA 55, MCL 124.351 TO 124.359, has the
19 exclusive jurisdiction to determine its own contemplated routes,
20 hours of service, estimated transit vehicle miles, costs of
21 public transportation services, and projected capital improve-
22 ments or projects within its service area.

23 (ii) An authority incorporated under the metropolitan trans-
24 portation authorities act of 1967, ~~Act No. 204 of the Public~~
25 ~~Acts of 1967, being sections 124.401 to 124.426 of the Michigan~~
26 ~~Compiled Laws~~ 1967 PA 204, MCL 124.401 TO 124.426, or that
27 operates a transportation service pursuant to an interlocal

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1 agreement under the urban cooperation act of 1967, ~~Act No. 7 of~~
2 ~~the Public Acts of the Extra Session of 1967, being sections~~
3 ~~124.501 to 124.512 of the Michigan Compiled Laws 1967 (EX SESS)~~
4 PA 7, MCL 124.501 TO 124.512.

5 (iii) A contract entered into pursuant to ~~Act No. 8 of the~~
6 ~~Public Acts of the Extra Session of 1967, being sections 124.531~~
7 ~~to 124.536 of the Michigan Compiled Laws 1967 (EX SESS) PA 8,~~
8 MCL 124.531 TO 124.536, or ~~Act No. 35 of the Public Acts of~~
9 ~~1951, being sections 124.1 to 124.13 of the Michigan Compiled~~
10 ~~Laws 1951 PA 35, MCL 124.1 TO 124.13.~~

11 (iv) An authority incorporated under the public transporta-
12 tion authority act, ~~Act No. 196 of the Public Acts of 1986,~~
13 ~~being sections 124.451 to 124.479 of the Michigan Compiled Laws~~
14 1986 PA 196, MCL 124.451 TO 124.479, or a nonprofit corporation
15 organized under the nonprofit corporation act, ~~Act No. 162 of~~
16 ~~the Public Acts of 1982, being sections 450.2101 to 450.3192 of~~
17 ~~the Michigan Compiled Laws 1982 PA 162, MCL 450.2101 TO~~
18 450.3192, that provides transportation services.

19 (v) An authority financing public improvements to transpor-
20 tation systems under the revenue bond act of 1933, ~~Act No. 94 of~~
21 ~~the Public Acts of 1933, being sections 141.101 to 141.140 of the~~
22 ~~Michigan Compiled Laws 1933 PA 94, MCL 141.101 TO 141.140.~~

23 (k) Qualified commercial motor vehicle includes a vehicle
24 operated on a public road or highway owned by a farmer and used
25 in connection with the farmer's farming operation if the vehicle
26 bears out of state registration plates of a state that does not
27 give similar treatment to vehicles from this state.

1 Sec. 4. (1) A person filing a return pursuant to section 2
2 who purchased motor fuel in this state upon which a tax was
3 imposed and not refunded pursuant to ~~Act No. 150 of the Public~~
4 ~~Acts of 1927, being sections 207.101 to 207.202 of the Michigan~~
5 ~~Compiled Laws~~ THE MOTOR FUEL TAX ACT, shall be entitled to a
6 credit against the tax imposed by this act equal to the tax paid
7 when purchasing the motor fuel pursuant to ~~Act No. 150 of the~~
8 ~~Public Acts of 1927~~ THE MOTOR FUEL TAX ACT. The excess of a
9 credit allowed by this subsection over tax liabilities imposed by
10 this act shall be refunded to the taxpayer.

11 (2) In order to secure credit under subsection (1) for motor
12 fuel purchased in this state the motor carrier shall secure a
13 receipt showing the seller's name, the number of gallons of motor
14 fuel, the type of motor fuel, the address of the seller, the
15 license number or unit number of the commercial motor vehicle,
16 and the date of sale.

17 (3) A motor carrier may credit against the tax imposed by
18 this act on each quarterly return filed under this subsection an
19 amount equal to 6 cents per gallon of the sales tax paid on
20 diesel fuel purchased in this state during the preceding calendar
21 quarter.

22 (4) A refund, when approved by the department, shall be pay-
23 able from the revenue received under this act.

24 (5) A person, or an agent, employee, or representative of
25 the person, who makes a false statement in any return under this
26 act or who submits or provides an invoice or invoices in support
27 thereof upon which alterations or changes exist in the date, name

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1 of seller or purchaser, number of gallons, identity of the
2 qualified commercial motor vehicle into which fuel was delivered
3 or the amount of tax that was paid, or who knowingly presents any
4 return or invoice containing a false statement, or who collects
5 or causes to be paid a refund without being entitled thereto,
6 forfeits the full amount of the claim and is guilty of a misde-
7 meanor, punishable by a fine of not more than \$5,000.00 or
8 imprisonment for not more than 1 year, or both.