

HOUSE BILL No. 5920

May 18, 2004, Introduced by Reps. Kooiman, Steil, Pappageorge, Huizenga, Voorhees, Gaffney, Hune, Vander Veen and Stahl and referred to the Committee on Transportation.

A bill to amend 1980 PA 119, entitled
"Motor carrier fuel tax act,"
by amending section 8 (MCL 207.218), as amended by 1996 PA 584.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Every qualified commercial motor vehicle leased
2 to a motor carrier shall be subject to this act, to the same
3 extent and in the same manner as qualified commercial motor
4 vehicles owned by a motor carrier.

5 (2) A lessor of qualified commercial motor vehicles may be
6 considered a motor carrier with respect to qualified commercial
7 motor vehicles leased to others, if the lessor supplies or pays
8 for the motor fuel consumed by the vehicles or bills rental or
9 other charges calculated to include the cost of motor fuel. A
10 lessee motor carrier may exclude a qualified commercial motor
11 vehicle leased from others from the reports and liabilities

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1 required by this act if that qualified commercial motor vehicle
2 has been leased from a lessor who is a motor carrier pursuant to
3 this act and the lease agreement provides for the lessor to pay
4 the cost of motor fuel and motor fuel taxes.

5 (3) Upon application by the licensed motor carrier, the
6 department may authorize a licensed motor carrier leasing
7 qualified commercial motor vehicles from 2 or more lessors to
8 file consolidated reports for these lessors.

9 ~~(4) This section shall govern the primary liability under
10 this act of lessors and lessees of qualified commercial motor
11 vehicles. If a lessor or lessee primarily liable fails, in whole
12 or in part, to discharge his or her liability, the failing party
13 and the other lessor or lessee party to the transaction shall be
14 jointly and severally responsible and liable for compliance with
15 this act and for the payment of tax due. However, the aggregate
16 of taxes collected from a lessor and lessee by this state under
17 this act shall not exceed the total amount of taxes due and costs
18 and penalties imposed.~~