

# 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

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.~~