

HOUSE BILL NO. 5584

March 05, 2020, Introduced by Reps. Cambensy and O'Malley and referred to the Committee on Appropriations.

A bill to amend 2004 PA 175, entitled
"Streamlined sales and use tax revenue equalization act,"
by amending section 5 (MCL 205.175), as amended by 2015 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~There~~**Through September 30, 2022, there** is levied
2 upon and there shall be collected from every person in this state
3 who is an interstate motor carrier a specific tax for the privilege
4 of using or consuming motor fuel and alternative fuel in a
5 qualified commercial motor vehicle in this state.

6 (2) For motor fuel upon which the tax imposed under subsection



(1) applies, the tax shall be imposed at a cents-per-gallon rate equal to ~~6%~~**the applicable percentage** of the statewide average retail price of a gallon of self-serve undyed No. 2 ultra-low sulfur diesel fuel or self-serve unleaded regular gasoline, as applicable, rounded down to the nearest 1/10 of a cent as determined and certified quarterly by the department. This tax on motor fuel used by interstate motor carriers in a qualified commercial motor vehicle ~~shall~~**must** be collected under the international fuel tax agreement. An interstate motor carrier is entitled to a credit for ~~6%~~**the applicable percentage** of the price of motor fuel purchased in this state **before October 1, 2022** and used in a qualified commercial motor vehicle. This credit ~~shall~~**must** be claimed on the returns filed under the international fuel tax agreement.

(3) For alternative fuel upon which the tax imposed under subsection (1) applies, the tax shall be imposed at a cents-per-gallon rate, or cents-per-gallon equivalent rate, as applicable, equal to ~~6%~~**the applicable percentage** of the average retail price of a gallon or gallon equivalent, as applicable, of the applicable alternative fuel rounded down to the nearest 1/10 of a cent as determined and certified quarterly by the department. For purposes of this subsection, the average retail price is to be based on the statewide average price of the particular alternative fuel, as determined by the department, unless the department determines that a statewide average is not readily available. If a statewide average is not readily available, the department may use available regional or nationwide average retail pricing information, or when regional or nationwide pricing information cannot be readily obtained, may use the average retail price applicable to gasoline



under subsection (2) for compressed natural gas or the average retail price applicable to diesel fuel under subsection (2) for all other types of alternative fuel, with adjustments as the department determines are appropriate to convert gasoline or diesel fuel prices to prices for alternative fuel.

(4) The tax on alternative fuel under subsection (3) used by interstate motor carriers in a qualified commercial motor vehicle ~~shall~~**must** be collected under the international fuel tax agreement.

An interstate motor carrier is entitled to a credit for ~~6%~~**the applicable percentage** of the price of alternative fuel purchased in this state **before October 1, 2022** and used in a qualified commercial motor vehicle. This credit ~~shall~~**must** be claimed on the returns filed under the international fuel tax agreement.

(5) As used in this section, "applicable percentage" means 1 of the following:

(a) Through September 30, 2020, 6%.

(b) Beginning October 1, 2020 through September 30, 2021, 4%.

(c) Beginning October 1, 2021 through September 30, 2022, 2%.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) Senate Bill No. _____ or House Bill No. 5582 (request no. 01324'19).

(b) Senate Bill No. _____ or House Bill No. 5583 (request no. 01898'19).

(c) Senate Bill No. _____ or House Bill No. 5585 (request no. 03278'19).

(d) Senate Bill No. _____ or House Bill No. 5586 (request no. 06193'20).

