

# SENATE BILL No. 1362

July 26, 2006, Introduced by Senator GILBERT and referred to the Committee on Technology and Energy.

A bill to amend 1980 PA 119, entitled  
 "Motor carrier fuel tax act,"  
 by amending sections 2 and 4 (MCL 207.212 and 207.214), as amended  
 by 2002 PA 667.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. (1) A motor carrier licensed under this act shall pay  
 2 a road tax calculated on the amount of motor fuel consumed in  
 3 qualified commercial motor vehicles on the public roads or highways  
 4 within this state. The tax shall be at the rate ~~of 15 cents per~~  
 5 ~~gallon on~~ **PRESCRIBED IN SECTION 8 OF THE MOTOR FUEL TAX ACT, 2000**  
 6 **PA 403, MCL 207.1008, FOR** motor fuel consumed on the public roads  
 7 or highways within this state. In addition, qualified commercial  
 8 motor vehicles licensed under this act that travel in interstate  
 9 commerce will be subject to the definition of taxable motor fuels

1 and rates as defined by the respective international fuel tax  
2 agreement member jurisdictions. A return shall be filed, and the  
3 tax due paid, quarterly to the department on or before the last day  
4 of January, April, July, and October of each year on a form  
5 prescribed and furnished by the department. Each quarterly return  
6 and tax payment shall cover the liability for the annual quarter  
7 ending on the last day of the preceding month.

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

15 (3) In the absence of records showing the average number of  
16 miles operated per gallon of motor fuel, it shall be presumed that  
17 1 gallon of motor fuel is consumed for every 4 miles traveled.

18 (4) The quarterly tax return shall be accompanied by a  
19 remittance covering any tax due.

20 (5) The commissioner, when he or she considers it necessary to  
21 ensure payment of the tax or to provide a more efficient  
22 administration of the tax, may require the filing of returns and  
23 payment of the tax for other than quarterly periods.

24 Sec. 4. (1) A person filing a return ~~pursuant to~~ **UNDER**  
25 section 2 who purchased motor fuel in this state upon which a tax  
26 was imposed and not refunded ~~pursuant to~~ **UNDER** the motor fuel tax  
27 act, **2000 PA 403, MCL 207.1001 TO 207.1170**, shall be entitled to a

1 credit against the tax imposed by this act equal to the tax paid  
2 when purchasing the motor fuel ~~pursuant to~~ **UNDER** the motor fuel  
3 tax act. The excess of a credit allowed by this subsection over tax  
4 liabilities imposed by this act shall be refunded to the taxpayer.

5 (2) In order to secure credit under subsection (1) for motor  
6 fuel purchased in this state the motor carrier shall secure a  
7 receipt showing the seller's name, the number of gallons of motor  
8 fuel, the type of motor fuel, **THE TAX RATE CHARGED**, the address of  
9 the seller, the license number or unit number of the commercial  
10 motor vehicle, and the date of sale.

11 (3) A refund, when approved by the department, shall be  
12 payable from the revenue received under this act.

13 (4) A person, or an agent, employee, or representative of the  
14 person, who makes a false statement in any return under this act or  
15 who submits or provides an invoice or invoices in support of the  
16 false statement upon which alterations or changes exist in the  
17 date, name of seller or purchaser, number of gallons, identity of  
18 the qualified commercial motor vehicle into which fuel was  
19 delivered or the amount of tax that was paid, or who knowingly  
20 presents any return or invoice containing a false statement, or who  
21 collects or causes to be paid a refund without being entitled to  
22 the refund, forfeits the full amount of the claim and is guilty of  
23 a misdemeanor, punishable by a fine of not more than \$5,000.00 or  
24 imprisonment for not more than 1 year, or both.