



General Assembly

**Substitute Bill No. 6931**

January Session, 2023



**AN ACT CONCERNING THE REPORTING FREQUENCY FOR THE  
HIGHWAY USE TAX.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-493a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) As used in this section:

4 (1) "Carrier" means any person that operates or causes to be  
5 operated on any highway in this state any eligible motor vehicle.  
6 "Carrier" does not include the state, any political subdivision of the  
7 state, the United States or the federal government;

8 (2) "Commissioner" means the Commissioner of Revenue Services;

9 (3) "Department" means the Department of Revenue Services;

10 (4) "Eligible motor vehicle" means a motor vehicle, as defined in  
11 section 14-1, that (A) has a gross weight of twenty-six thousand  
12 pounds or more, and (B) carries a classification between Class 8 and  
13 Class 13, inclusive, under the Federal Highway Administration vehicle  
14 classification system. "Eligible motor vehicle" does not include a motor  
15 vehicle carrying or transporting milk or dairy [product] products to or  
16 from a dairy farm that holds a license to ship milk;

17 (5) "Gross weight" has the same meaning as provided in section 14-

18 1; and

19 (6) "Highway" has the same meaning as provided in section 14-1.

20 (b) (1) For each calendar month commencing on or after January 1,  
21 2023, and prior to July 1, 2023, and for each calendar quarter  
22 commencing on or after July 1, 2023, a tax is imposed on every carrier  
23 for the privilege of operating or causing to be operated an eligible  
24 motor vehicle on any highway of the state. Use of any such highway  
25 shall be measured by the number of miles traveled within the state by  
26 each eligible motor vehicle operated or caused to be operated by such  
27 carrier during each month prior to July 1, 2023, and during each  
28 calendar quarter commencing on or after July 1, 2023. The amount of  
29 tax due from each carrier shall be determined in accordance with the  
30 provisions of subdivision (2) of this subsection.

31 (2) Each carrier shall calculate the number of miles traveled by each  
32 eligible motor vehicle operated or caused to be operated by such  
33 carrier within the state during each month prior to July 1, 2023, and  
34 during each calendar quarter commencing on or after July 1, 2023. The  
35 miles traveled within the state by each eligible motor vehicle shall be  
36 multiplied by the tax rate as follows, such rate to be based on the gross  
37 weight of each such vehicle:

T1	Gross Weight in Pounds	Rate in Dollars
T2	26,000-28,000	0.0250
T3	28,001-30,000	0.0279
T4	30,001-32,000	0.0308
T5	32,001-34,000	0.0337
T6	34,001-36,000	0.0365
T7	36,001-38,000	0.0394
T8	38,001-40,000	0.0423
T9	40,001-42,000	0.0452
T10	42,001-44,000	0.0481
T11	44,001-46,000	0.0510
T12	46,001-48,000	0.0538
T13	48,001-50,000	0.0567
T14	50,001-52,000	0.0596

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T15	52,001-54,000	0.0625
T16	54,001-56,000	0.0654
T17	56,001-58,000	0.0683
T18	58,001-60,000	0.0712
T19	60,001-62,000	0.0740
T20	62,001-64,000	0.0769
T21	64,001-66,000	0.0798
T22	66,001-68,000	0.0827
T23	68,001-70,000	0.0856
T24	70,001-72,000	0.0885
T25	72,001-74,000	0.0913
T26	74,001-76,000	0.0942
T27	76,001-78,000	0.0971
T28	78,001-80,000	0.1000
T29	80,001 and over	0.1750

38       (c) (1) Each carrier shall file with the commissioner a return, (A) on  
39 or before the last day of each month [, a return] for the calendar month  
40 immediately preceding, up to and including a return for the month  
41 ending June 30, 2023, and (B) on or before the last day of each month  
42 following the last day of a calendar quarter commencing on or after  
43 July 1, 2023, for the calendar quarter immediately preceding, in such  
44 form and containing such information as the commissioner may  
45 prescribe. The return shall be accompanied by payment of the amount  
46 of the tax shown to be due thereon. Each carrier shall be required to  
47 file such return electronically with the department and to make such  
48 payment by electronic funds transfer in the manner provided by  
49 chapter 228g, irrespective of whether the carrier would have otherwise  
50 been required to file such return electronically or to make such  
51 payment by electronic funds transfer under the provisions of said  
52 chapter.

53       (2) Notwithstanding the provisions of subsection (a) of section 13b-  
54 61, the commissioner shall deposit into the Special Transportation  
55 Fund established under section 13b-68 the amounts received by the  
56 state from the tax imposed under this section.

57       (d) (1) Each carrier desiring to use any highway of the state on or

58 after January 1, 2023, shall file an application for a permit with the  
59 commissioner, in such form and containing such information as the  
60 commissioner may prescribe. No carrier may lawfully operate or cause  
61 to be operated an eligible motor vehicle in the state on or after January  
62 1, 2023, without obtaining a permit from the commissioner.

63 (2) Upon receipt of a fully completed application from a carrier, the  
64 commissioner shall grant and issue a permit to such carrier. Such  
65 permit shall be valid only for the carrier to which it is issued and the  
66 eligible motor vehicles such carrier operates or causes to be operated  
67 on the highways of the state and shall not be assignable. The carrier  
68 shall maintain a copy of the permit within each eligible motor vehicle  
69 that such carrier operates or causes to be operated in the state.

70 (e) (1) Whenever a carrier fails to comply with any provision of this  
71 section, the commissioner shall order a hearing to be held, requiring  
72 such carrier to show cause why such carrier's permit should not be  
73 revoked or suspended. The commissioner shall provide at least ten  
74 days' notice, in writing, to such carrier of the date, time and place of  
75 such hearing and may serve such notice personally or by registered or  
76 certified mail. If, after such hearing, the commissioner revokes or  
77 suspends a permit, the commissioner shall not restore such permit to  
78 or issue a new permit for such carrier unless the commissioner is  
79 satisfied that the carrier will comply with the provisions of this section.

80 (2) Whenever a carrier files returns for four successive monthly  
81 periods prior to July 1, 2023, or two successive calendar quarters on or  
82 after July 1, 2023, showing that none of the eligible motor vehicles  
83 operated or caused to be operated by such carrier used any highway of  
84 the state, the commissioner shall order a hearing to be held, requiring  
85 such carrier to show cause why such carrier's permit should not be  
86 cancelled. The commissioner shall provide at least thirty days' notice,  
87 in writing, to such carrier of the date, time and place of such hearing  
88 and may serve such notice personally or by registered or certified mail.  
89 If, after such hearing, the commissioner cancels a permit, the  
90 commissioner shall not issue a new permit for such carrier unless the

91 commissioner is satisfied that the carrier will make use of the  
92 highways of the state.

93 (f) Each person, other than a carrier, who is required, on behalf of  
94 such carrier, to collect, truthfully account for and pay over a tax  
95 imposed on such carrier under this section and who wilfully fails to  
96 collect, truthfully account for and pay over such tax or who wilfully  
97 attempts in any manner to evade or defeat the tax or the payment  
98 thereof, shall, in addition to other penalties provided by law, be liable  
99 for a penalty equal to the total amount of the tax evaded, or not  
100 collected, or not accounted for and paid over, including any penalty or  
101 interest attributable to such wilful failure to collect or truthfully  
102 account for and pay over such tax or such wilful attempt to evade or  
103 defeat such tax, provided such penalty shall only be imposed against  
104 such person in the event that such tax, penalty or interest cannot  
105 otherwise be collected from such carrier. The amount of such penalty  
106 with respect to which a person may be personally liable under this  
107 section shall be collected in accordance with the provisions of  
108 subsection (n) of this section and any amount so collected shall be  
109 allowed as a credit against the amount of such tax, penalty or interest  
110 due and owing from the carrier. The dissolution of the carrier shall not  
111 discharge any person in relation to any personal liability under this  
112 section for wilful failure to collect or truthfully account for and pay  
113 over such tax or for a wilful attempt to evade or defeat such tax prior  
114 to dissolution, except as otherwise provided in this section. For  
115 purposes of this subsection, "person" includes any individual,  
116 corporation, limited liability company or partnership and any officer  
117 or employee of any corporation, including a dissolved corporation,  
118 and a member of or employee of any partnership or limited liability  
119 company who, as such officer, employee or member, is under a duty to  
120 file a tax return under this section on behalf of a carrier or to collect or  
121 truthfully account for and pay over a tax imposed under this section  
122 on behalf of such carrier.

123 (g) (1) The commissioner may examine the records of any carrier

124 subject to a tax imposed under the provisions of this section as the  
125 commissioner deems necessary. If the commissioner determines that  
126 there is a deficiency with respect to the payment of any such tax due  
127 under the provisions of this section, the commissioner shall assess or  
128 reassess the deficiency in tax, give notice of such deficiency assessment  
129 or reassessment to the taxpayer and make demand upon the taxpayer  
130 for payment. Such amount shall bear interest at the rate of one per cent  
131 per month or fraction thereof from the date when the original tax was  
132 due and payable. When it appears that any part of the deficiency for  
133 which a deficiency assessment is made is due to negligence or  
134 intentional disregard of the provisions of this section or regulations  
135 promulgated thereunder, there shall be imposed a penalty equal to ten  
136 per cent of the amount of such deficiency assessment, or fifty dollars,  
137 whichever is greater. When it appears that any part of the deficiency  
138 for which a deficiency assessment is made is due to fraud or intent to  
139 evade the provisions of this section or regulations promulgated  
140 thereunder, there shall be imposed a penalty equal to twenty-five per  
141 cent of the amount of such deficiency assessment. No taxpayer shall be  
142 subject to more than one penalty under this subsection in relation to  
143 the same tax period. Subject to the provisions of section 12-3a, the  
144 commissioner may waive all or part of the penalties provided under  
145 this section when it is proven to the commissioner's satisfaction that  
146 the failure to pay any tax was due to reasonable cause and was not  
147 intentional or due to neglect. Any decision rendered by any federal  
148 court holding that a taxpayer has filed a fraudulent return with the  
149 Director of Internal Revenue shall subject the taxpayer to the penalty  
150 imposed by this section without the necessity of further proof thereof,  
151 except when it can be shown that the return to the state so differed  
152 from the return to the federal government as to afford a reasonable  
153 presumption that the attempt to defraud did not extend to the return  
154 filed with the state. Within thirty days of the mailing of such notice,  
155 the taxpayer shall pay to the commissioner, in cash, or by check, draft  
156 or money order drawn to the order of the Commissioner of Revenue  
157 Services, any additional amount of tax, penalty and interest shown to  
158 be due.

159 (2) Except in the case of a wilfully false or fraudulent return with  
160 intent to evade the tax, no assessment of additional tax shall be made  
161 after the expiration of more than three years from the date of the filing  
162 of a return or from the original due date of a return, whichever is later.  
163 If no return has been filed as provided under the provisions of this  
164 section, the commissioner may make such return at any time  
165 thereafter, according to the best information obtainable and according  
166 to the form prescribed. To the tax imposed upon the basis of such  
167 return, there shall be added an amount equal to ten per cent of such  
168 tax, or fifty dollars, whichever is greater. The tax shall bear interest at  
169 the rate of one per cent per month or fraction thereof from the due date  
170 of such tax to the date of payment. Where, before the expiration of the  
171 period prescribed herein for the assessment of an additional tax, a  
172 taxpayer has consented in writing that such period may be extended,  
173 the amount of such additional tax due may be determined at any time  
174 within such extended period. The period so extended may be further  
175 extended by subsequent consents in writing before the expiration of  
176 the extended period.

177 (h) (1) Any carrier believing that it has overpaid any taxes due  
178 under the provisions of this section may file a claim for refund in  
179 writing with the commissioner within three years from the due date  
180 for which such overpayment was made, stating the specific grounds  
181 upon which the claim is founded. Failure to file a claim within the time  
182 prescribed in this section constitutes a waiver of any demand against  
183 the state on account of overpayment. The commissioner shall review  
184 such claim within a reasonable time and, if the commissioner  
185 determines that a refund is due, the commissioner shall credit the  
186 overpayment against any amount then due and payable from the  
187 carrier under this section or any provision of the general statutes and  
188 shall refund any balance remaining. The commissioner shall notify the  
189 Comptroller of the amount of such refund and the Comptroller shall  
190 draw an order on the Treasurer in the amount thereof for payment to  
191 such carrier. If the commissioner determines that such claim is not  
192 valid, either in whole or in part, the commissioner shall mail notice of

193 the proposed disallowance to the claimant, which notice shall set forth  
194 briefly the commissioner's findings of fact and the basis of  
195 disallowance in each case decided in whole or in part adversely to the  
196 claimant. Sixty days after the date on which it is mailed, a notice of  
197 proposed disallowance shall constitute a final disallowance except  
198 only for such amounts as to which the taxpayer filed, as provided in  
199 subdivision (2) of this subsection, a written protest with the  
200 commissioner.

201 (2) On or before the sixtieth day after the mailing of the proposed  
202 disallowance, the claimant may file with the commissioner a written  
203 protest against the proposed disallowance in which the claimant shall  
204 set forth the grounds on which the protest is based. If a protest is filed,  
205 the commissioner shall reconsider the proposed disallowance and, if  
206 the claimant has so requested, may grant or deny the claimant or the  
207 claimant's authorized representatives an oral hearing.

208 (3) The commissioner shall mail notice of the commissioner's  
209 determination to the claimant, which notice shall set forth briefly the  
210 commissioner's findings of fact and the basis of decision in each case  
211 decided in whole or in part adversely to the claimant.

212 (4) The action of the commissioner on the claimant's protest shall be  
213 final upon the expiration of thirty days from the date on which the  
214 commissioner mails notice of the commissioner's action to the claimant  
215 unless within such period the claimant seeks judicial review of the  
216 commissioner's determination pursuant to subsection (l) of this section.

217 (i) (1) Any person required under this section or regulations  
218 adopted thereunder to pay any tax, make a return, keep any record or  
219 supply any information, who wilfully fails to pay such tax, make such  
220 return, keep such records or supply such information, at the time  
221 required by law, shall, in addition to any other penalty provided by  
222 law, be fined not more than one thousand dollars or imprisoned not  
223 more than one year, or both. Notwithstanding the provisions of section  
224 54-193, no person shall be prosecuted for a violation of the provisions



225 of this subsection committed on or after January 1, 2023, except within  
226 three years next after such violation has been committed. As used in  
227 this subsection, "person" includes any officer or employee of a  
228 corporation or a member or employee of a partnership under a duty to  
229 pay such tax, make such return, keep such records or supply such  
230 information.

231 (2) Any person who wilfully delivers or discloses to the  
232 commissioner or the commissioner's authorized agent any list, return,  
233 account, statement or other document, known by such person to be  
234 fraudulent or false in any material matter, shall, in addition to any  
235 other penalty provided by law, be guilty of a class D felony. No person  
236 shall be charged with an offense under both subdivision (1) of this  
237 subsection and this subdivision in relation to the same tax period but  
238 such person may be charged and prosecuted for both such offenses  
239 upon the same information.

240 (j) (1) Each carrier shall keep such records, receipts, invoices and  
241 other pertinent papers in such form as the commissioner requires.

242 (2) In addition to the requirements set forth under subdivision (1) of  
243 this subsection, each carrier shall maintain, on a monthly basis prior to  
244 July 1, 2023, and on a quarterly basis on and after July 1, 2023, a list of  
245 all the eligible motor vehicles that such carrier operates or causes to  
246 operate on a highway in the state during such month or quarter, as  
247 applicable. All such lists shall be maintained by the carrier for not less  
248 than four years after the date of each such month or the last day of  
249 each such quarter, as applicable, and shall be made available to the  
250 commissioner upon request.

251 (3) The commissioner or the commissioner's authorized agent may  
252 examine the records, receipts, invoices, other pertinent papers and  
253 equipment of any person liable under the provisions of this section  
254 and may investigate the character of the business of such person to  
255 verify the accuracy of any return made or, if no return is made by such  
256 person, to ascertain and determine the amount required to be paid.

257 (k) Any carrier that is aggrieved by the action of the commissioner  
258 or an authorized agent of the commissioner in fixing the amount of  
259 any tax, penalty or interest under this section may apply to the  
260 commissioner, in writing, not later than sixty days after the notice of  
261 such action is delivered or mailed to such carrier, for a hearing and a  
262 correction of the amount of such tax, penalty or interest, setting forth  
263 the reasons why such hearing should be granted and the amount by  
264 which such tax, penalty or interest should be reduced. The  
265 commissioner shall promptly consider each such application and may  
266 grant or deny the hearing requested. If the hearing request is denied,  
267 the carrier shall be notified forthwith. If the hearing request is granted,  
268 the commissioner shall notify the carrier of the date, time and place for  
269 such hearing. After such hearing, the commissioner may make such  
270 order as appears just and lawful to the commissioner and shall furnish  
271 a copy of such order to the carrier. The commissioner may, by notice in  
272 writing, order a hearing on the commissioner's own initiative and  
273 require a carrier or any other individual who the commissioner  
274 believes to be in possession of relevant information concerning such  
275 carrier to appear before the commissioner or the commissioner's  
276 authorized agent with any specified books of account, papers or other  
277 documents, for examination under oath.

278 (l) Any carrier that is aggrieved because of any order, decision,  
279 determination or disallowance the commissioner made under  
280 subsection (h) or (k) of this section may, not later than thirty days after  
281 service of notice of such order, decision, determination or  
282 disallowance, take an appeal therefrom to the superior court for the  
283 judicial district of New Britain, which appeal shall be accompanied by  
284 a citation to the commissioner to appear before said court. Such  
285 citation shall be signed by the same authority and such appeal shall be  
286 returnable at the same time and served and returned in the same  
287 manner as is required in the case of a summons in a civil action. The  
288 authority issuing the citation shall take from the appellant a bond or  
289 recognizance to the state of Connecticut, with surety, to prosecute the  
290 appeal to effect and to comply with the orders and decrees of the court

291 in the premises. Such appeals shall be preferred cases, to be heard,  
292 unless cause appears to the contrary, at the first session, by the court or  
293 by a committee appointed by the court. Said court may grant such  
294 relief as may be equitable and, if such tax has been paid prior to the  
295 granting of such relief, may order the Treasurer to pay the amount of  
296 such relief. If the appeal has been taken without probable cause, the  
297 court may tax double or triple costs, as the case demands and, upon all  
298 such appeals that are denied, costs may be taxed against such carrier at  
299 the discretion of the court but no costs shall be taxed against the state.

300 (m) The commissioner and any agent of the commissioner duly  
301 authorized to conduct any inquiry, investigation or hearing pursuant  
302 to this section shall have power to administer oaths and take testimony  
303 under oath relative to the matter of inquiry or investigation. At any  
304 hearing ordered by the commissioner, the commissioner or the  
305 commissioner's agent authorized to conduct such hearing and having  
306 authority by law to issue such process may subpoena witnesses and  
307 require the production of books, papers and documents pertinent to  
308 such inquiry or investigation. No witness under subpoena authorized  
309 to be issued under the provisions of this section shall be excused from  
310 testifying or from producing books, papers or documentary evidence  
311 on the ground that such testimony or the production of such books,  
312 papers or documentary evidence would tend to incriminate such  
313 witness, but such books, papers or documentary evidence so produced  
314 shall not be used in any criminal proceeding against such witness. If  
315 any person disobeys such process or, having appeared in obedience  
316 thereto, refuses to answer any pertinent question put to such person by  
317 the commissioner or the commissioner's authorized agent, or to  
318 produce any books, papers or other documentary evidence pursuant  
319 thereto, the commissioner or such agent may apply to the superior  
320 court of the judicial district wherein the carrier has a business address  
321 or wherein the carrier's business has been conducted, or to any judge  
322 of such court if the same is not in session, setting forth such  
323 disobedience to process or refusal to answer, and such court or such  
324 judge shall cite such person to appear before such court or such judge

325 to answer such question or to produce such books, papers or other  
326 documentary evidence and, upon such person's refusal so to do, shall  
327 commit such person to a community correctional center until such  
328 person testifies, but not for a period longer than sixty days.  
329 Notwithstanding the serving of the term of such commitment by any  
330 person, the commissioner may proceed in all respects with such  
331 inquiry and examination as if the witness had not previously been  
332 called upon to testify. Officers who serve subpoenas issued by the  
333 commissioner or under the commissioner's authority and witnesses  
334 attending hearings conducted by the commissioner pursuant to this  
335 section shall receive fees and compensation at the same rates as officers  
336 and witnesses in the courts of this state, to be paid on vouchers of the  
337 commissioner on order of the Comptroller from the proper  
338 appropriation for the administration of this section.

339 (n) The amount of any tax, penalty or interest due and unpaid under  
340 the provisions of this section may be collected under the provisions of  
341 section 12-35. The warrant provided under said section shall be signed  
342 by the commissioner or the commissioner's authorized agent. The  
343 amount of any such tax, penalty and interest shall be a lien on the real  
344 estate of the carrier from the last day of the month next preceding the  
345 due date of such civil penalty until such civil penalty is paid. The  
346 commissioner may record such lien in the records of any town in  
347 which the real estate of such carrier is situated but no such lien shall be  
348 enforceable against a bona fide purchaser or qualified encumbrancer of  
349 such real estate. When any tax with respect to which a lien has been  
350 recorded under the provisions of this subsection has been satisfied, the  
351 commissioner shall, upon request of any interested party, issue a  
352 certificate discharging such lien, which certificate shall be recorded in  
353 the same office in which the lien was recorded. Any action for the  
354 foreclosure of such lien shall be brought by the Attorney General in the  
355 name of the state in the superior court for the judicial district in which  
356 the real estate subject to such lien is situated, or, if such real estate is  
357 located in two or more judicial districts, in the superior court for any  
358 one such judicial district, and the court may limit the time for

359 redemption or order the sale of such real estate or pass such other or  
360 further decree as it judges equitable.

361 (o) No tax credit or credits shall be allowable against the tax  
362 imposed under this section.

363 (p) Any person who knowingly violates any provision of this  
364 section for which no other penalty is provided shall be fined one  
365 thousand dollars.

366 (q) The commissioner may adopt regulations, in accordance with  
367 the provisions of chapter 54, to implement the provisions of this  
368 section.

369 (r) At the close of each fiscal year, commencing with the fiscal year  
370 ending June 30, 2023, in which the tax imposed under the provisions of  
371 this section is received by the commissioner, the Comptroller is  
372 authorized to record as revenue for such fiscal year the amount of such  
373 tax that is received by the commissioner not later than five business  
374 days from the July thirty-first immediately following the end of such  
375 fiscal year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	12-493a

**Statement of Legislative Commissioners:**  
Subsec. (c)(1)(A) was rewritten for accuracy.

**FIN**      *Joint Favorable Subst. -LCO*