

Senate Bill 146

By: Senators Gooch of the 51st, Cowser of the 46th, Walker III of the 20th, Lucas of the 26th, Anavitarte of the 31st and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 2 of Title 46, Chapter 1 of Title 10, and Article 1 of Chapter 9
2 of Title 48 of the Official Code of Georgia Annotated, relating to jurisdiction of and powers
3 and duties of the Georgia Public Service Commission generally, selling and other trade
4 practices, and motor fuel tax, respectively, so as to provide for the regulation and taxation
5 of the provision of certain electricity used as a motor fuel in electric vehicles; to provide for
6 definitions; to exclude the provision of electricity to propel motor vehicles through an
7 electric vehicle charging station from the regulative authority of the Public Service
8 Commission; to provide for limitations upon the ownership, operation, and maintenance of
9 electric vehicle charging stations by electric utilities; to provide for standards for rates, terms,
10 and conditions of service by an electric utility in certain instances; to provide regulative
11 authority to the Department of Agriculture over electric vehicle charging stations; to provide
12 for operating and advertising standards, licensing, and inspections of electric vehicle
13 charging stations; to provide for penalties; to provide for condemnation and seizure of
14 noncompliant electric vehicle charging stations; to provide for collection of a motor fuel
15 excise tax upon the sale and use of certain electricity; to provide for procedures, conditions,
16 limitations, and exceptions upon collection of such excise tax; to provide for related matters;
17 to provide for effective dates; to repeal conflicting laws; and for other purposes.

S. B. 146

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19

PART I

20

SECTION 1-1.

21 Article 2 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to
22 jurisdiction of and powers and duties of the Georgia Public Service Commission generally,
23 is amended by adding a new Code section to read as follows:

24 "46-2-20.1.

25 (a) As used in this Code section, the term:

26 (1) 'Community charging equipment' means an electric vehicle charging station that has
27 been approved for placement in service by the commission.

28 (2) 'Electric utility' shall have the same meaning as set forth in Code Section 46-1-1.

29 (3) 'Electric vehicle' shall have the same meaning as set forth in Code Section 10-1-220.

30 (4) 'Electric vehicle charging services' means the charging of electric vehicles from an
31 electric vehicle charging station.

32 (5) 'Electric vehicle charging station' shall have the same meaning as set forth in Code
33 Section 10-1-220.

34 (6) 'Premises' shall have the same meaning as provided in Code Section 46-3-3.

35 (b) Notwithstanding any other provision of law to the contrary, the provision of electric
36 vehicle charging services by a person not otherwise subject to the jurisdiction of the
37 commission shall not be considered a service of an electric utility subject to the authority
38 and jurisdiction of the commission. The supply of electricity by an electric utility subject
39 to Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial Electric Service Act,'
40 to premises that are electric vehicle charging stations shall constitute the furnishing of
41 service under Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial Electric
42 Service Act,' and shall be considered a sale at retail within the meaning of Code

43 Section 48-8-2. The mere provision of electric vehicle charging services alone shall not
44 violate Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial Electric Service
45 Act,' so long as the provision of such services occurs upon the same parcel of property as
46 the electric vehicle charging station.

47 (c) No electric vehicle charging station that is publicly available, except for community
48 charging equipment, shall be provided, owned, operated, or maintained by an electric
49 utility unless such electric vehicle charging station is provided, owned, operated, and
50 maintained by a separate legal entity not subject to the authority of and regulation by the
51 commission.

52 (d) An electric utility's rates, terms, and conditions of service for the provider of any
53 electric vehicle charging services shall be the same as the rates, terms, and conditions of
54 service for any electric vehicle charging stations operated pursuant to subsection (c) of this
55 Code section."

56 **PART II**

57 **SECTION 2-1.**

58 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
59 trade practices, is amended in Code Section 10-1-164, relating to requirements for signs
60 advertising retail motor fuel, advertising free gifts or services, enforcement, and penalty, by
61 adding a new subsection to read as follows:

62 "(a.1) For purposes of this Code section, the term 'motor fuel' means automotive gasoline
63 and blended fuel, as such terms are defined in Code Section 10-1-232."

64 **SECTION 2-2.**

65 Said chapter is further amended by adding a new article to read as follows:

66 "ARTICLE 8A

67 10-1-220.

68 As used in this article, the term:

69 (1) 'Commissioner' means the Commissioner of Agriculture.

70 (2) 'Department' means the Department of Agriculture.

71 (3) 'Digital network' means an online enabled application, website, or system offered or
72 used by an electric vehicle charging provider that allows a user to initiate a retail
73 transaction to deliver electricity from an electric vehicle charging station to an electric
74 vehicle.

75 (4) 'Electric vehicle' means a vehicle that is propelled by one or more electric motors
76 fuelled by energy stored in the form of a rechargeable battery.

77 (5) 'Electric vehicle charging provider' means the owner of an electric vehicle charging
78 station.

79 (6) 'Electric vehicle charging station' means any device or group of devices that delivers
80 electricity from a power source outside an electric vehicle into one or more electric
81 vehicles and that is located somewhere other than a residence.

82 (7) 'Residence' means a single-family dwelling or multifamily dwelling which provides
83 lodging for the public for longer than 30 consecutive days to the same customer in which
84 a device delivers electricity to an electric vehicle from a power source upon the
85 residential property for purposes other than commercial or which is provided for the
86 exclusive use of an individual or group of individuals upon such property, including, but
87 not limited to, employees, tenants, visitors, or residents of a multifamily dwelling.

88 10-1-221.

89 (a) The administration of this article shall be vested in the Commissioner of Agriculture.

90 (b) The Commissioner shall be authorized to employ, in accordance with Chapter 20 of
91 Title 45, electric vehicle charging station inspectors to enforce this article. Such inspectors
92 shall be allowed expenses to be approved by the Commissioner. There shall be allowed
93 such further sums for the purchase of equipment, supplies, and clerical help and to pay any
94 other expenses incident to and necessary for the enforcement of this article as may
95 hereafter be appropriated.

96 (c) The Commissioner shall be authorized to require electric vehicle charging inspectors
97 to be bonded for the faithful performance of their duties at the expense of the department
98 if and to the extent such Commissioner deems it necessary for the proper protection of the
99 state and the public.

100 (d) The Commissioner shall be authorized to appoint and employ investigators who shall
101 have, in any case that there is reason to believe a violation of this article has occurred or
102 is about to occur, the right and power to serve subpoenas and to swear out and execute
103 search warrants and arrest warrants.

104 (e) The Commissioner may promulgate such rules and regulations, not inconsistent with
105 the provisions of this article, necessary for the administration and enforcement of this
106 article. Such rules and regulations shall take into consideration and provide for consistency
107 with any rules and regulations of the National Institute for Standards and Technology of
108 the United States Department of Commerce. Such rules and regulations shall be
109 promulgated in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
110 Procedure Act.'

111 (f) The Commissioner and the Department of Revenue shall be authorized to share
112 information necessary to efficiently administer and enforce the provisions of this article
113 and Article 1 of Chapter 9 of Title 48, the 'Motor Fuel Tax Law.' Any confidential
114 information furnished pursuant to this Code section shall retain its character as confidential
115 and privileged information. Any person who divulges confidential information obtained

116 pursuant to this Code section shall be subject to the same penalties as provided under Code
117 Section 48-7-61 for unlawful divulgence of confidential tax information.

118 10-1-222.

119 (a) All electric vehicle charging stations shall be capable of accurately measuring and
120 prominently displaying upon the station or on a digital network the amount of electricity
121 delivered to each electric vehicle on a per kilowatt-hour basis. Such stations shall be
122 further equipped with meters to record the total kilowatt-hours dispensed.

123 (b) All electric vehicle charging stations shall be subject to inspection as provided for in
124 this article. Prior to operation of any electric vehicle charging station and annually
125 thereafter, an electric vehicle charging provider shall register with the Commissioner in the
126 form and manner prescribed by such Commissioner. Such registration shall include the
127 location of the electric vehicle charging station; the name, brand, or manufacturer of the
128 type of electric vehicle charging station, together with the name and address thereof; and
129 certification that the electric vehicle charging station is in conformity with the
130 specifications established pursuant to this article by the Commissioner. Certificates of
131 registration issued by the Commissioner pursuant to this Code section shall be posted in
132 a prominent and accessible place upon the electric vehicle charging station.

133 10-1-223.

134 Whenever the Commissioner shall find any person willfully marketing the delivery of
135 electricity for use in electric vehicles in violation of the laws of this state, of prescribed
136 specifications of this article, or rules and regulations promulgated pursuant to this article,
137 the Commissioner shall be authorized to apply to the superior court having jurisdiction over
138 the offender for an injunction against the continuance of any such violations. The
139 appropriate superior court shall have jurisdiction, upon hearing and for cause shown, to

140 grant such temporary or permanent injunction restraining further violations as the
141 circumstances appear to require.

142 10-1-224.

143 (a) Electric vehicle charging station inspectors shall inspect all electric vehicle charging
144 stations located in the territory assigned to them.

145 (b) All electric vehicle charging stations found to be giving accurate measure of the
146 amount of electricity delivered within the tolerance established by regulations of the
147 Commissioner shall have the electric vehicle charging station sealed with an official seal
148 applied by an inspector duly authorized by the Commissioner.

149 (c) If any electric vehicle charging station shall be found to be giving inaccurate measure
150 of the amount of electricity delivered in excess of the tolerance established by regulations
151 of the Commissioner, the inspector shall then and there notify the electric vehicle charging
152 provider, whether owner or lessee. Should the electric vehicle charging provider fail or
153 refuse to then and there make such adjustments as shall be necessary to bring the measure
154 within the allowed variation, the same shall be condemned and rendered inoperable
155 immediately by the inspector examining the same; and such electric vehicle charging
156 station shall not again be operated without the written consent of the Commissioner.
157 Inspectors shall be required to report to the Commissioner immediately the name and
158 number of any electric vehicle charging station condemned and rendered inoperable.

159 (d) When any electric vehicle charging station is condemned under this article by any
160 inspector, it shall be the duty of the inspector immediately to make affidavit before the
161 judge of the probate court of the county in which the electric vehicle charging station is
162 located that such station is being operated contrary to law by the electric vehicle charging
163 provider who shall be named in the affidavit. Thereupon the judge of the probate court
164 shall issue an order to the electric vehicle charging provider named in the affidavit to show
165 cause before him or her on the day named in the order, not more than ten days nor fewer

166 than three days from the issuance of the order, why the electric vehicle charging station
167 should not be forfeited, confiscated to the state, and dismantled. On such day named in the
168 order, it shall be the duty of the judge of the probate court to hear the respective parties and
169 to determine whether or not the electric vehicle charging station has been operated contrary
170 to the provisions of this article. If the judge of the probate court finds that the electric
171 vehicle charging station has been so operated, he or she shall forthwith issue an order
172 adjudging the electric vehicle charging station to be forfeited and confiscated to the state
173 and directing the sheriff of the county to dismantle the electric vehicle charging station and
174 take it into his or her possession, and, after ten days' notice by posting or publication, as
175 the court may direct, to sell the electric vehicle charging station to the highest bidder for
176 cash. The proceeds of sale, or as much thereof as may be necessary, shall be used by the
177 sheriff, first, to pay the costs associated with sale, which shall be the same as in cases of
178 attachment, and the sheriff shall thereupon pay over and deliver the residue, if any, to the
179 person from whose possession the electric vehicle charging station has been taken.

180 (e) It shall be unlawful to install or operate any electric vehicle charging station which can
181 be secretly manipulated in such manner as to give short measure. Such inaccurate electric
182 vehicle charging station shall be condemned as provided in this Code section, and
183 thereafter it shall be unlawful for any person to resell any electricity from such electric
184 vehicle charging station until such station has been made or altered to comply with this
185 article and has been inspected and approved for service by the inspector.

186 (f) It shall be unlawful for anyone to remove a seal applied by an inspector to an electric
187 vehicle charging station without first securing consent of the Commissioner, whose consent
188 may be given through one of the duly authorized inspectors.

189 (g) The department shall have the power to implement rules and regulations necessary to
190 carry out the inspections of electric vehicle charging stations as provided for by this Code
191 section.

192 10-1-225.

193 (a) Any sign or placard or other means used to advertise the price of electricity for sale at
194 retail through an electric vehicle charging station may contain a separate listing of the price
195 and a separate listing of each tax thereon, but must contain a total of such price and taxes
196 which shall be at least as large as the listing of the price or any tax thereon. Numbers used
197 to advertise the total price of such electricity shall be of uniform size; and, where fractions
198 are used, the numerator and denominator thereof combined shall be of the same size as any
199 whole numbers used. It shall not be necessary that a denominator be used to indicate
200 fractions; but, if one is not used, the numerator must be at least half the size of the whole
201 number used. When the price of electricity for sale at retail through an electric vehicle
202 charging station is advertised on any sign, billboard, placard, or other advertising medium,
203 it shall be unlawful to place a higher price on any electric vehicle charging station
204 delivering such electricity or to charge a higher price for such electricity. Any electric
205 vehicle charging provider shall not be precluded from giving a discount from the posted
206 or advertised price if the purchaser of the electricity buys additional merchandise.

207 (b) It shall be unlawful for any electric vehicle charging provider to advertise upon the
208 purchase of electricity either free:

209 (1) Gifts or other products unless such provider has sufficient number of gifts or products
210 on hand to supply the reasonably expectable demand or the advertisement discloses a
211 limitation of quantity; or

212 (2) Car washes or other services unless such provider is prepared, in the absence of
213 causes beyond the reasonable control of the offerer, to perform such car washes or the
214 services advertised at the time of the purchase at such provider's place of business or at
215 a place of business affiliated by trademark or agreement with such provider. If the free
216 car washes or other services advertised are to be performed at a place of business
217 affiliated by trademark or agreement but in a separate location, such fact shall be so stated
218 on the sign, billboard, placard, or other advertising medium used.

219 (c) Nothing in this Code section shall preclude posting on any electric vehicle charging
220 station a separate statement of taxes included in the total purchase price for the purpose of
221 complying with Chapter 8 of Title 48.

222 (d) Electric vehicle charging inspectors and any and all law enforcement officers in this
223 state are charged with enforcement of this Code section.

224 (e) Any person, firm, association, or corporation violating this Code section shall be guilty
225 of a misdemeanor.

226 10-1-226.

227 Any person violating any provision of:

228 (1) This article relating to the inspection of electric vehicle charging stations and the
229 resale of electricity;

230 (2) Code Section 10-1-225 providing for the regulation of signs advertising the price for
231 the resale of electricity by electric vehicle charging providers; or

232 (3) Any rule, regulation, or standard promulgated or adopted by the Commissioner or the
233 department under the provisions of this article

234 shall be liable for a civil penalty not to exceed \$1,000.00 for each violation. The
235 Commissioner, after a hearing, shall determine whether any person has violated this Code
236 section and upon a proper finding may issue his or her order imposing a civil penalty as
237 provided in this Code section. All hearings and proceedings under this Code section shall
238 be held and taken under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

239 10-1-227.

240 Any electric vehicle charging station inspector who, while in office, shall be interested
241 directly or indirectly in the manufacture or vending of any electric vehicle charging station
242 shall be guilty of a misdemeanor.

243 10-1-228.

244 Any person or association of persons, firm, or corporation that violates any of the
 245 provisions of this article relating to inspection of electric vehicle charging stations and the
 246 resale of electricity or any rule or regulation promulgated by the Commissioner for the
 247 enforcement of this article shall be guilty of a misdemeanor."

248

PART III

249

SECTION 3-1.

250 Article 1 of Chapter 9 of Title 48 of the Official Code of Georgia Annotated, relating to
 251 motor fuel tax, is amended in Code Section 48-9-2, relating to definitions relative to motor
 252 fuel tax, by revising paragraphs (5) and (5.2) and by adding a new paragraph to read as
 253 follows:

254 "(5) 'Distributor' means every person other than the United States or any of its agencies
 255 who:

256 (A) Produces, refines, prepares, distills, manufactures, blends, or compounds motor
 257 fuel of a type other than electricity in this state;

258 (B) Makes the first sale in this state of any motor fuel imported into this state after the
 259 motor fuel has been received in this state;

260 (C) Consumes or uses in this state any motor fuel imported into this state before the
 261 motor fuel has been received by any other person in this state;

262 (D) Purchases motor fuel for export from this state;

263 (E) Consumes or uses motor fuel of a type other than gasoline or electricity for both
 264 highway and nonhighway use and who elects to become licensed as a distributor to
 265 obtain the exemption allowed by this article;

266 (F) Sells motor fuel of a type other than gasoline or electricity to consumers who have
 267 no highway use of such fuel and who elects to become licensed as a distributor to
 268 obtain the exemptions allowed by this article; or

269 (G) Consumes, uses, or sells electricity as a motor fuel through an electric vehicle
 270 charging station for both highway and nonhighway use; or

271 (H) Imports motor fuel into this state for production, refining, preparation, distilling,
 272 manufacturing, blending, compounding, consumption, or use within this state."

273 "(5.2) 'Electric vehicle charging station' shall have the same meaning as set forth in
 274 Code Section 10-1-220.

275 (5.3) 'Export and import' means:

276 (A) When motor fuels are sold for export and delivered across the boundaries of this
 277 state by or for the seller, such action is presumed to be an export from the place of
 278 origin and an import into the destination state or country by the seller; and

279 (B) When motor fuels are purchased for export and transported across the boundaries
 280 of this state by or for the purchaser, such action is presumed to be an export from the
 281 place of origin and an import into the destination state or country by the purchaser."

282

SECTION 3-2.

283 Said article is further amended in Code Section 48-9-3, relating to levy of excise tax, rate,
 284 taxation of motor fuels not commonly sold or measured by gallon, rate, prohibition of tax on
 285 motor fuel by political subdivisions, exception, and exempted sales, by revising
 286 subsection (a) and subdivision (b)(7)(B)(ii)(I) and by adding a new subsection to read as
 287 follows:

288 "(a)(1) An excise tax is imposed at the rate of 26¢ per gallon on distributors who sell or
 289 use motor fuel, other than diesel fuel, within this state. An excise tax is imposed at the
 290 rate of 29¢ per gallon on distributors who sell or use diesel fuel within this state. It is the

291 intention of the General Assembly that the legal incidence of the tax be imposed upon the
292 distributor.

293 (1.1)(A) Beginning on July 1, 2016, and annually thereafter, the amount of this excise
294 tax per gallon on distributors shall be automatically adjusted on an annual basis in
295 accordance with this paragraph.

296 (B) Using 2014 as a base year, the department shall determine the average miles per
297 gallon of all new vehicles registered in this state pursuant to Code Section 48-5C-1
298 using the average of combined miles per gallon published in the United States
299 Department of Energy Fuel Economy Guide. Beginning on July 1, 2016, and each year
300 thereafter, the department shall calculate the average miles per gallon of all new
301 vehicles registered in this state in the previous year. The excise tax rate shall be
302 multiplied by the percentage increase or decrease in fuel efficiency from the previous
303 year, and the resulting increase or decrease shall be added to the excise tax rate to
304 determine the preliminary excise tax rate.

305 (C) Once the preliminary excise tax rate is established, it shall be multiplied by the
306 annual percentage of increase or decrease in the Consumer Price Index. The resulting
307 calculation shall be added to the preliminary excise tax rate, and the result of such
308 calculation shall be the new excise tax rate for motor fuels for the next calendar year.
309 The Consumer Price Index shall no longer be used after July 1, 2025.

310 (2) In the event any motor fuels which are not commonly sold or measured by the gallon
311 or which are not otherwise provided for by this Code section are used in any motor
312 vehicles on the public highways of this state, the commissioner may assess, levy, and
313 collect a tax upon such fuels, under such regulations as the commissioner may
314 promulgate, in accordance with and measured by the nearest power potential equivalent
315 to that of one gallon of regular grade gasoline. Any determination by the commissioner
316 of the power potential equivalent of such motor fuels shall be prima-facie correct. Upon
317 each such quantity of such fuels used upon the public highways of this state, a tax at the

318 same rate per gallon imposed on motor fuel under paragraph (1) of this subsection shall
319 be assessed and collected.

320 (3) No county, municipality, or other political subdivision of this state shall levy any fee,
321 license, or other excise tax on a gallonage or gallonage equivalent basis upon the sale,
322 purchase, storage, receipt, distribution, use, consumption, or other disposition of motor
323 fuel. Nothing contained in this article shall be construed to prevent a county,
324 municipality, or other political subdivision of this state from levying license fees or taxes
325 upon any business selling motor fuel.

326 (4)(A) For purposes of this subsection, and notwithstanding ~~the provisions of~~
327 ~~paragraph (2) of this subsection~~ and any provision contained in the National Bureau of
328 Standards Handbook or any other national standard that may be adopted by law or
329 regulation, the gallon equivalent of:

330 (i) Compressed ~~compressed~~ natural gas shall be not less than 110,000 British thermal
331 units ~~and the gallon equivalent of liquefied;~~

332 (ii) Electricity shall be not more than:

333 (I) Nine kilowatt-hours for gasoline; or

334 (II) Fourteen kilowatt-hours for diesel; and

335 (iii) Liquefied natural gas shall not be less than 6.06 pounds.

336 (B) As used in this paragraph, the term:

337 (i) 'Compressed natural gas' means a mixture of hydrocarbon gases and vapors,
338 consisting principally of methane in gaseous form, that has been compressed for use
339 as a motor fuel.

340 (ii) 'Electricity' means electricity for use as a motor fuel.

341 (iii) 'Liquefied natural gas' means methane or natural gas in the form of a cryogenic
342 or refrigerated liquid for use as a motor fuel."

343 "(ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage
344 receptacle which has a connection to a withdrawal outlet that may be used for

345 highway use, as defined in paragraph (8) of Code Section 48-9-2, and any special
 346 fuel delivered from an electric vehicle charging station, is not exempt from the
 347 motor fuel and road taxes imposed by this article unless: (1) the purchaser is at the
 348 time of sale a valid licensed distributor of that type of motor fuel, or (2) an
 349 exemption certificate has been obtained ~~from the purchaser~~ on forms furnished by
 350 the Department of Revenue showing that ~~the purchaser has~~ there is no highway use
 351 of such fuels and the person obtaining such fuel is not a reseller of such fuels. Each
 352 exemption certificate shall be valid for a period of not more than three years and
 353 shall be kept by the distributor as one of the records specified in Code
 354 Section 48-9-8. It shall be the responsibility of the purchaser to notify the
 355 distributor when the purchaser is no longer qualified for the nonhighway exemption.
 356 All applicable taxes must be charged the purchaser until the purchaser is granted a
 357 valid distributor's license for that type of motor fuel."

358 "(c.1) No tax is imposed by this article upon or with respect to electricity sold for uses
 359 other than as a motor fuel."

360 **SECTION 3-3.**

361 Said article is further amended in 48-9-8, relating to tax reports from distributors, quarterly
 362 or annual, contents, payment, time, business records of distributors, resellers, and retailers,
 363 inspection, and dyed fuel oil notices, by revising paragraph (3) of subsection (c) as follows:

364 "(3) Every person who sells motor fuel at retail shall make the sales through pumps or
 365 systems equipped with meters or totalizers. Every person making sales ~~must~~ shall
 366 maintain for a period of three years records of gallons or gallon equivalents received and
 367 sold to account for all motor fuel."

368

SECTION 3-4.

369 Said article is further amended in Code Section 48-9-9, relating to reports of motor fuel
370 deliveries, persons required to report, procedure, restrictions on delivery, and reports of
371 unlicensed purchasers, by revising subsections (a) and (c) as follows:

372 "(a)(1) A report of all deliveries of motor fuel other than special fuel of a type other than
373 electricity shall be made to the commissioner by:

374 (A) Each of the following companies and carriers transporting motor fuel either in
375 interstate or in intrastate commerce to points within this state:

376 (i) Every railroad company;

377 (ii) Every street, suburban, or interurban railroad company;

378 (iii) Every pipeline company;

379 (iv) Every water transportation company;

380 (v) Every common or contract carrier; and

381 (vi) Every operator of a terminal;

382 (B) Every person transporting motor fuel by whatever manner to a point in this state
383 from any point outside this state; and

384 (C) Every person transporting motor fuel from a point in this state to a point outside
385 this state.

386 (2) Each report required by this subsection shall be:

387 (A) Made under oath on forms prescribed by the commissioner; and

388 (B) Filed by the twentieth day of each calendar month to cover the preceding calendar
389 month's activities."

390 "(c) No person shall transport motor fuel ~~in~~ over the public highways or navigable waters
391 of this state except in a transport tank truck or vessel which is visibly marked on each side
392 and on the rear with the words 'Motor Fuel,' 'Flammable,' or other indication of the type of
393 product being transported suitable to the commissioner or other regulatory agencies,
394 together with the name and address of the owner of the transport tank truck or vessel and

395 the tank registration number. This subsection shall not apply to vehicles or vessels
396 transporting motor fuel contained in their running tanks and used solely for their propulsion
397 or to vehicles or vessels transporting not more than five gallons of motor fuel for
398 emergency purposes."

399 **SECTION 3-5.**

400 Said article is further amended in Code Section 48-9-12, relating to powers of the
401 commissioner, notice of cancellation of license, retention of bonds, public inspection of
402 records, assessment based on commissioner's estimate, agreements for time extension, and
403 list of licensed distributors, by revising subsection (e) as follows:

404 "(e) When any distributor neglects or refuses to file the required reports or fails to maintain
405 auditable records that account for tax exemptions taken on motor fuel as required by this
406 article or files an incorrect or fraudulent report, the commissioner or his authorized agents
407 shall determine from the best information available the number of gallons or gallon
408 equivalents of motor fuel to be taxed. The commissioner shall impose the tax, penalty, and
409 interest due. Estimates by the commissioner or his authorized agents shall be prima-facie
410 evidence of the claim of the state and the burden of proof to establish the accountability of
411 motor fuel shall be on the distributor to show that the assessment is incorrect and contrary
412 to law."

413 **PART IV**

414 **SECTION 4-1.**

415 (a) Except as otherwise provided for in subsection (b), this Act shall become effective on
416 July 1, 2023.

417 (b) Part II of this Act, which provides for the regulative authority of the Department of
418 Agriculture, and Part III of this Act, relating to revenue and taxation, shall become effective
419 on January 1, 2025.

420

SECTION 4-2.

421 All laws and parts of laws in conflict with this Act are repealed.