SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 262

AN ACT

To repeal sections 142.803, 142.824, and 142.869, RSMo, and to enact in lieu thereof five new sections relating to transportation funding.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 142.803, 142.824, and 142.869, RSMo,

- 2 are repealed and five new sections enacted in lieu thereof, to
- 3 be known as sections 142.803, 142.822, 142.824, 142.869, and
- 4 142.1000, to read as follows:

142.803. 1. A tax is levied and imposed on all motor

- 2 fuel used or consumed in this state as follows:
- 3 (1) Motor fuel, seventeen cents per gallon;
- 4 (2) Alternative fuels, not subject to the decal fees
- 5 as provided in section 142.869, with a power potential
- 6 equivalent of motor fuel. In the event alternative fuel,
- 7 which is not commonly sold or measured by the gallon, is
- 8 used in motor vehicles on the highways of this state, the
- 9 director is authorized to assess and collect a tax upon such
- 10 alternative fuel measured by the nearest power potential
- 11 equivalent to that of one gallon of regular grade gasoline.
- 12 The determination by the director of the power potential
- 13 equivalent of such alternative fuel shall be prima facie
- 14 correct;
- 15 (3) Aviation fuel used in propelling aircraft with
- 16 reciprocating engines, nine cents per gallon as levied and
- 17 imposed by section 155.080 to be collected as required under
- 18 this chapter;

19 Compressed natural gas fuel, five cents per (4)20 gasoline gallon equivalent until December 31, 2019, eleven 21 cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per 22 23 gasoline gallon equivalent thereafter. The gasoline gallon 24 equivalent and method of sale for compressed natural gas 25 shall be as published by the National Institute of Standards 26 and Technology in Handbooks 44 and 130, and supplements 27 thereto or revisions thereof. In the absence of such 28 standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to 29 five and sixty-six-hundredths pounds of compressed natural 30 gas. All applicable provisions contained in this chapter 31 governing administration, collections, and enforcement of 32 the state motor fuel tax shall apply to the tax imposed on 33 compressed natural gas, including but not limited to 34 35 licensing, reporting, penalties, and interest; Liquefied natural gas fuel, five cents per diesel 36 gallon equivalent until December 31, 2019, eleven cents per 37 diesel gallon equivalent from January 1, 2020, until 38 39 December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent 40 and method of sale for liquefied natural gas shall be as 41 42 published by the National Institute of Standards and 43 Technology in Handbooks 44 and 130, and supplements thereto 44 or revisions thereof. In the absence of such standard or agreement, the diesel gallon equivalent and method of sale 45 for liquefied natural gas shall be equal to six and six-46 hundredths pounds of liquefied natural gas. All applicable 47 provisions contained in this chapter governing 48 administration, collections, and enforcement of the state 49 motor fuel tax shall apply to the tax imposed on liquefied 50

- 51 natural gas, including but not limited to licensing,
- 52 reporting, penalties, and interest;
- (6) Propane gas fuel, five cents per gallon until
- 54 December 31, 2019, eleven cents per gallon from January 1,
- 55 2020, until December 31, 2024, and then seventeen cents per
- 56 gallon thereafter. All applicable provisions contained in
- 57 this chapter governing administration, collection, and
- 58 enforcement of the state motor fuel tax shall apply to the
- 59 tax imposed on propane gas including, but not limited to,
- 60 licensing, reporting, penalties, and interest;
- 61 (7) If a natural gas, compressed natural gas,
- 62 liquefied natural gas, electric, or propane connection is
- 63 used for fueling motor vehicles and for another use, such as
- 64 heating, the tax imposed by this section shall apply to the
- 65 entire amount of natural gas, compressed natural gas,
- 66 liquefied natural gas, electricity, or propane used unless
- 67 an approved separate metering and accounting system is in
- 68 place.
- 69 2. All taxes, surcharges and fees are imposed upon the
- 70 ultimate consumer, but are to be precollected as described
- 71 in this chapter, for the facility and convenience of the
- 72 consumer. The levy and assessment on other persons as
- 73 specified in this chapter shall be as agents of this state
- 74 for the precollection of the tax.
- 75 3. In addition to any tax collected under subdivision
- 76 (1) of subsection 1 of this section, the following tax is
- 77 levied and imposed on all motor fuel used or consumed in
- 78 this state, subject to the exemption on tax liability set
- 79 forth in section 142.822: from October 1, 2021, to June 30,
- 80 2022, two and a half cents per gallon; from July 1, 2022, to
- 81 June 30, 2023, five cents per gallon; from July 1, 2023, to
- 30, 2024, seven and a half cents per gallon; from July
- 83 1, 2024, to June 30, 2025, ten cents per gallon; from July

- 84 1, 2025, to June 30, 2026, twelve and a half cents per
- 85 gallon; and on and after July 1, 2026, fifteen cents per
- 86 gallon.
 - 142.822. 1. Motor fuel used for purposes of
- 2 propelling motor vehicles on highways shall be exempt from
- 3 the fuel tax collected under subsection 3 of section
- 4 142.803, and an exemption and refund may be claimed by the
- 5 taxpayer if the tax has been paid and no refund has been
- 6 previously issued, provided that the taxpayer applies for
- 7 the exemption and refund as specified in this section. The
- 8 exemption and refund shall be issued on a fiscal year basis
- 9 to each person who pays the fuel tax collected under
- 10 subsection 3 of section 142.803 and who claims an exemption
- 11 and refund in accordance with this section, and shall apply
- 12 so that the fuel taxpayer has no liability for the tax
- 13 collected in that fiscal year under subsection 3 of section
- **14** 142.803.
- 15 2. To claim an exemption and refund in accordance with
- 16 this section, a person shall present to the director a
- 17 statement containing a written verification that the claim
- 18 is made under penalty of perjury and that states the total
- 19 fuel tax paid in the applicable fiscal year for each vehicle
- 20 for which the exemption and refund is claimed. The claim
- 21 shall not be transferred or assigned, and shall be filed on
- 22 or after July first, but not later than September thirtieth,
- 23 following the fiscal year for which the exemption and refund
- 24 is claimed. The claim statement may be submitted
- 25 electronically, and shall at a minimum include the following
- 26 information:
- 27 (1) Date of sale;
- 28 (2) Name and address of purchaser;
- 29 (3) Name and address of seller;
- 30 (4) Number of gallons purchased; and

- 31 (5) Number of gallons purchased and charged Missouri
- 32 fuel tax, as a separate item.
- 33 3. Every person shall maintain and keep records
- 34 supporting the claim statement filed with the department of
- 35 revenue for a period of three years to substantiate all
- 36 claims for exemption and refund of the motor fuel tax,
- 37 together with invoices, original sales receipts marked paid
- 38 by the seller, bills of lading, and other pertinent records
- and paper as may be required by the director for reasonable
- 40 administration of this chapter.
- 4. The director may make any investigation necessary
- 42 before issuing an exemption and refund under this section,
- 43 and may investigate an exemption and refund under this
- 44 section after it has been issued and within the time frame
- 45 for making adjustments to the tax pursuant to this chapter.
- 46 5. If an exemption and refund is not issued within
- 47 forty-five days of an accurate and complete filing, as
- 48 required by this chapter, the director shall pay interest at
- 49 the rate provided in section 32.065 accruing after the
- 50 expiration of the forty-five-day period until the date the
- 51 exemption and refund is issued.
- 52 6. The exemption and refund specified in this section
- 53 shall be available only with regard to motor fuel purchased
- 54 prior to July 1, 2027. This section shall expire on October
- **55** 1, 2027.
- 7. The director shall promulgate rules as necessary to
- 57 implement the provisions of this section. Any rule or
- 58 portion of a rule, as that term is defined in section
- 59 536.010, that is created under the authority delegated in
- 60 this section shall become effective only if it complies with
- 61 and is subject to all of the provisions of chapter 536 and,
- 62 if applicable, section 536.028. This section and chapter
- 63 536 are nonseverable and if any of the powers vested with

- 64 the general assembly pursuant to chapter 536 to review, to
- 65 delay the effective date, or to disapprove and annul a rule
- 66 are subsequently held unconstitutional, then the grant of
- 67 rulemaking authority and any rule proposed or adopted after
- 68 August 28, 2021, shall be invalid and void.
 - 142.824. 1. To claim a refund in accordance with
- 2 section 142.815, a person shall present to the director a
- 3 statement containing a written verification that the claim
- 4 is made under penalties of perjury and lists the total
- 5 amount of motor fuel purchased and used for exempt
- 6 purposes. The claim shall not be transferred or assigned
- 7 and shall be filed not more than three years after the date
- 8 the motor fuel was imported, removed or sold if the claimant
- 9 is a supplier, importer, exporter or distributor. If the
- 10 claim is filed by the ultimate consumer, a consumer must
- 11 file the claim within one year of the date of purchase or
- 12 April fifteenth following the year of purchase, whichever is
- 13 later. The claim statement may be submitted electronically,
- 14 and shall be supported by [the original sales slip, invoice
- or other] documentation as approved by the director and
- 16 shall include the following information:
- 17 (1) Date of sale;
- 18 (2) Name and address of purchaser;
- 19 (3) Name and address of seller;
- 20 (4) Number of gallons purchased and base price per
- 21 gallon;
- 22 (5) Number of gallons purchased and charged Missouri
- 23 fuel tax, as a separate item; and
- 24 (6) Number of gallons purchased and charged sales tax,
- 25 if applicable, as a separate item[;
- 26 (7) Marked paid by the seller].
- 2. If the original sales slip or invoice is lost or
- 28 destroyed, a statement to that effect shall accompany the

- 29 claim for refund, and the claim statement shall also set 30 forth the serial number of the invoice. If the director 31 finds the claim is otherwise regular, the director may allow such claim for refund. 32
- The director may make any investigation necessary 33 before refunding the motor fuel tax to a person and may 34 investigate a refund after the refund has been issued and 35 36 within the time frame for making adjustments to the tax pursuant to this chapter. 37
- 38 In any case where a refund would be payable to a supplier pursuant to this chapter, the supplier may claim a 39 credit in lieu of such refund for a period not to exceed 40 41 three years.
- Every person shall maintain and keep for a period 42 of three years records to substantiate all claims for refund 43 of the motor fuel tax, together with invoices, original 44 45 sales slips marked paid by the seller, bills of lading, and other pertinent records and paper as may be required by the 46 47 director for reasonable administration of this chapter.

- 6. Motor fuel tax that has been paid more than once with respect to the same gallon of motor fuel shall be 49 refunded by the director to the person who last paid the tax 50 after the subsequent taxable event upon submitting proof 51 satisfactory to the director. 52
- 53 7. Motor fuel tax that has otherwise been erroneously 54 paid by a person shall be refunded by the director upon 55 proof shown satisfactory to the director.
- 8. If a refund is not issued within ninety days of an 56 accurate and complete filing, as required by this chapter, 57 the director shall pay interest at the rate set out in 58 section 32.065 accruing after the expiration of the ninety-59 day period until the date the refund is issued. After 60 61 December 31, 2000, if a refund is not issued within thirty

- 62 days of an accurate and complete filing, as required by this
- 63 chapter, the director shall pay interest at the rate
- 64 provided in section 32.065 accruing after the expiration of
- 65 the thirty-day period until the date the refund is issued.
- 9. The director shall promulgate rules as necessary to
- implement the provisions of this section. Any rule or
- 68 portion of a rule, as that term is defined in section
- 69 536.010, that is created under the authority delegated in
- 70 this section shall become effective only if it complies with
- 71 and is subject to all of the provisions of chapter 536 and,
- 72 if applicable, section 536.028. This section and chapter
- 73 536 are nonseverable and if any of the powers vested with
- 74 the general assembly pursuant to chapter 536 to review, to
- 75 delay the effective date, or to disapprove and annul a rule
- 76 are subsequently held unconstitutional, then the grant of
- 77 rulemaking authority and any rule proposed or adopted after
- 78 August 28, 2021, shall be invalid and void.
 - 142.869. 1. The tax imposed by this chapter shall not
- 2 apply to passenger motor vehicles, buses as defined in
- 3 section 301.010, or commercial motor vehicles registered in
- 4 this state which are powered by alternative fuel, and for
- 5 which a valid decal has been acquired as provided in this
- 6 section, provided that sales made to alternative fueled
- 7 vehicles powered by propane, compressed natural gas, or
- 8 liquefied natural gas that do not meet the requirements of
- 9 subsection 3 of this section shall be taxed exclusively
- 10 pursuant to subdivisions (4) to (7) of subsection 1 of
- 11 section 142.803, respectively. The owners or operators of
- 12 such motor vehicles, except plug-in electric hybrids, shall,
- in lieu of the tax imposed by section 142.803, pay an annual
- 14 alternative fuel decal fee as follows: [seventy-five] one
- 15 hundred fifty dollars on each passenger motor vehicle,
- school bus as defined in section 301.010, and commercial

17 motor vehicle with a licensed gross vehicle weight of 18 eighteen thousand pounds or less; [one] two hundred dollars 19 on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six 20 21 thousand pounds used for farm or farming transportation 22 operations and registered with a license plate designated with the letter "F"; [one] three hundred [fifty] dollars on 23 24 each motor vehicle with a licensed gross vehicle weight in 25 excess of eighteen thousand pounds but less than or equal to 26 thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in 27 28 sections 301.059, 301.061 and 301.063; [two] five hundred [fifty] dollars on each motor vehicle with a licensed gross 29 weight in excess of thirty-six thousand pounds used for farm 30 or farming transportation operations and registered with a 31 32 license plate designated with the letter "F"; and one thousand five hundred dollars on each motor vehicle with a 33 licensed gross vehicle weight in excess of thirty-six 34 35 thousand pounds. Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative 36 fuel decal fee. Notwithstanding provisions of this section 37 to the contrary, motor vehicles licensed as historic under 38 section 301.131 which are powered by alternative fuel shall 39 40 be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. 41 the purposes of this section, a plug-in electric hybrid 42 shall be any hybrid vehicle made by a manufacturer with a 43 model year of 2018 or newer, that has not been modified from 44 the original manufacturer specifications, with an internal 45 46 combustion engine and batteries that can be recharged by connecting a plug to an electric power source. 47 Except interstate fuel users and vehicles licensed 48

under a reciprocity agreement as defined in section 142.617,

the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than propane, compressed natural gas, and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this The owners or operators of such motor vehicles section. shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or

operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

- 4. An owner or operator of a motor vehicle powered by propane may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivision (6) of subsection 1 of section 142.803. If the appropriate motor fuel tax under subdivision (6) of subsection 1 of section 142.803 is collected at the time of fueling, an operator of a propane fueling station that uses quick-connect fueling nozzles may sell propane as a motor fuel without verifying the application of a valid Missouri alternative fuel decal. If an owner or operator of a motor vehicle powered by propane that bears an alternative fuel decal refuels at an unattended propane refueling station, such owner or operator shall not be eligible for a refund of the motor fuel tax paid at such refueling.
- The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-

- twelfth for each complete month which shall have elapsed
 since the beginning of such year. This subsection shall not
 apply to an owner or operator of a motor vehicle powered by
 propane who fuels such vehicle exclusively at unattended
 fueling stations that collect the motor fuel tax.
- 121 6. Upon the payment of the fee required by subsection
 122 1 of this section, the director shall issue a decal, which
 123 shall be valid for the current calendar year and shall be
 124 attached to the lower right-hand corner of the front
 125 windshield on the motor vehicle for which it was issued.
- 126 The decal fee paid pursuant to subsection 1 of this 127 section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas 128 129 or natural gas equipment is removed from a motor vehicle 130 upon a change of ownership and is reinstalled in another 131 motor vehicle, upon such reinstallation. Such transfers 132 shall be accomplished in accordance with rules and regulations promulgated by the director. 133
- 8. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal unless the motor vehicle is exclusively fueled at propane, compressed natural gas, or liquefied natural gas fueling stations that collect the motor fuel tax.
- 9. No person shall cause to be put, or put, any alternative fuel into the fuel supply receptacle or battery of a motor vehicle required to have an alternative fuel decal unless the motor vehicle either has a valid decal attached to it or the appropriate motor fuel tax is collected at the time of such fueling.
- 146 10. Any person violating any provision of this section 147 is guilty of an infraction and shall, upon conviction 148 thereof, be fined five hundred dollars.

- 149 11. Motor vehicles displaying a valid alternative fuel
- 150 decal are exempt from the licensing and reporting
- 151 requirements of this chapter.
 - 142.1000. 1. There is hereby created within the
 - 2 department of revenue the "Electric Vehicle Task Force" to
 - 3 consist of the following members:
 - 4 (1) The director of the department of revenue, or his
 - 5 or her designee, who shall serve as chair;
 - 6 (2) The chairman of the public service commission, or
 - 7 his or her designee, who shall serve as vice chair;
 - 8 (3) The director of the department of transportation,
 - 9 or his or her designee;
- 10 (4) The chair of the senate committee with
- 11 jurisdiction over transportation matters, or his or her
- 12 designee;
- 13 (5) The chair of the house of representatives
- 14 committee with jurisdiction over transportation matters, or
- 15 his or her designee;
- 16 (6) One member of the senate committee with
- 17 jurisdiction over transportation matters, to be appointed by
- 18 the minority floor leader of the senate;
- 19 (7) One member of the house of representatives
- 20 committee with jurisdiction over transportation matters, to
- 21 be appointed by the minority floor leader of the house of
- 22 representatives;
- 23 (8) One representative of the trucking or heavy
- vehicle industry, to be appointed by the president pro
- 25 tempore of the senate;
- 26 (9) One representative of electric vehicle
- 27 manufacturers or dealers, to be appointed by the speaker of
- 28 the house of representatives;

- 29 (10) One representative of conventional motor vehicle
 30 manufacturers or dealers, to be appointed by the president
- 31 pro tempore of the senate;

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- 32 (11) One representative of the petroleum industry or 33 convenience stores, to be appointed by the speaker of the 34 house of representatives;
- 35 (12) One representative of electric vehicle charging
 36 station manufacturers or operators, to be appointed by the
 37 president pro tempore of the senate; and
- 38 (13) One representative of electric utilities, to be 39 appointed by the speaker of the house of representatives.
 - 2. The task force shall analyze the following in the context of transportation funding, and make recommendations as to any actions the state should take to fund transportation infrastructure in anticipation of more widespread adoption of electric vehicles:
 - (1) Removal or mitigation of barriers to electric vehicle charging, including strategies, such as time-of-use rates, to reduce operating costs for current and future electric vehicle owners without shifting costs to electric ratepayers who do not own or operate electric vehicles;
 - (2) Strategies for managing the impact of electric vehicles on, and services provided for electric vehicles by, the electricity transmission and distribution system;
- 53 (3) Electric system benefits and costs of electric vehicle charging, electric utility planning for electric vehicle charging, and rate design for electric vehicle charging;
 56 charging;
- 57 (4) The appropriate role of electric utilities with
 58 regard to the deployment and operation of electric vehicle
 59 charging systems;
- 60 (5) How and on what terms, including quantity,
 61 pricing, and time of day, charging stations owned or

- operated by entities other than electric utilities will
- obtain electricity to provide to electric vehicles;
- 64 (6) What safety standards should apply to the charging
 65 of electric vehicles;
- 66 (7) The recommended scope of the jurisdiction of the
 67 public service commission, the department of revenue, and
 68 other state agencies over charging stations owned or
 69 operated by entities other than electric utilities;
- 70 (8) Whether charging stations owned or operated by
 71 entities other than electric utilities will be free to set
 72 the rates or prices at which they provide electricity to
 73 electric vehicles, and any other issues relevant to the
 74 appropriate oversight of the rates and prices charged by
 75 such stations, including transparency to the consumer of
 76 those rates and prices; and
- 77 (9) The recommended billing and complaint procedures
 78 for charging stations;
- 79 Options to address how electric vehicle users pay (10)80 toward the cost of maintaining the state's transportation infrastructure, including methods to assess the impact of 81 electric vehicles on that infrastructure and how to 82 calculate a charge based on that impact, the potential 83 assessment of a charge to electric vehicles as a rate per 84 85 kilowatt hour delivered to an electric vehicle, varying such per-kilowatt-hour charge by size and type of electric 86 87 vehicle, and phasing in such per-kilowatt-hour charge;
 - (11) The accuracy of electric metering and submetering technology for charging electric vehicles;
- 90 (12) Strategies to encourage electric vehicle usage
 91 without shifting costs to electric ratepayers who do not own
 92 or charge electric vehicles; and
- 93 (13) Any other issues the task force considers 94 relevant.

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95	3. The department of revenue shall provide such
96	research, clerical, technical, and other services as the
97	task force may require in the performance of its duties.

- 98 4. The task force may hold public meetings at which it
 99 may invite testimony from experts, or it may solicit
 100 information from any party it deems may have information
 101 relevant to its duties under this section.
- 5. No later than December 31, 2022, the task force
 shall provide to the general assembly and the governor a

 written report detailing its findings and recommendations,
 including identifying any recommendations that may require
 enabling legislation.
- 6. Members shall serve on the task force without

 compensation, but may, at the discretion of the director of

 the department of revenue, be reimbursed for actual and

 necessary expenses incurred in the performance of their

 official duties as members of the task force.
- 7. The task force shall expire on December 31, 2022.