

FIRST REGULAR SESSION

# HOUSE BILL NO. 1044

101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE RUTH.

2119H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To repeal sections 142.345 and 142.803, RSMo, and to enact in lieu thereof three new sections relating to motor fuel tax.

---

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

Section A. Sections 142.345 and 142.803, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 142.345, 142.803, and 142.805, to read as  
3 follows:

142.345. 1. There is created the "Motor Fuel Tax Fund". All revenues derived from the  
2 motor fuel tax imposed upon highway users as an incident to their use of the highways of the  
3 state shall be deposited in the state treasury to the credit of this fund.

4 2. The moneys deposited to the credit of the motor fuel tax fund shall be disbursed or  
5 transferred as follows:

6 (1) The amount of the tax collected with respect to fuel not used for propelling motor  
7 vehicles on state highways shall be transferred to the state highways and transportation  
8 department fund to be refunded by the state as provided by law;

9 (2) **The amount of the tax collected under subsection 3 of section 142.803 shall be**  
10 **refunded by the state as required under section 142.805, with any remaining proceeds**  
11 **transferred to the state highways and transportation department fund;**

12 (3) The amount of actual costs of collection, apportionment and of making refunds shall  
13 be transferred to the state highways and transportation department fund for reimbursement by  
14 appropriation, to the agencies or departments of government incurring these costs, subject to the  
15 limitations of section 226.200;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           ~~[(3)]~~ (4) A percentage of the net proceeds shall be transferred to the county aid road trust  
17 fund as provided in Article IV, Section 30(a) of the State Constitution;

18           ~~[(4)]~~ (5) A percentage of the net proceeds shall be allocated to the several cities, towns  
19 and villages entitled thereto pursuant to the provisions of Article IV, Section 30(a) of the State  
20 Constitution;

21           ~~[(5)]~~ (6) All the remaining net proceeds in excess of the allocations to counties and cities,  
22 towns and villages shall be transferred to the state highways and transportation department fund.

          142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state  
2 as follows:

3           (1) Motor fuel, seventeen cents per gallon;

4           (2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with  
5 a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly  
6 sold or measured by the gallon, is used in motor vehicles on the highways of this state, the  
7 director is authorized to assess and collect a tax upon such alternative fuel measured by the  
8 nearest power potential equivalent to that of one gallon of regular grade gasoline. The  
9 determination by the director of the power potential equivalent of such alternative fuel shall be  
10 prima facie correct;

11           (3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per  
12 gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

13           (4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until  
14 December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until  
15 December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The  
16 gasoline gallon equivalent and method of sale for compressed natural gas shall be as published  
17 by the National Institute of Standards and Technology in Handbooks 44 and 130, and  
18 supplements thereto or revisions thereof. In the absence of such standard or agreement, the  
19 gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five  
20 and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained  
21 in this chapter governing administration, collections, and enforcement of the state motor fuel tax  
22 shall apply to the tax imposed on compressed natural gas, including but not limited to licensing,  
23 reporting, penalties, and interest;

24           (5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31,  
25 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024,  
26 and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and  
27 method of sale for liquefied natural gas shall be as published by the National Institute of  
28 Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions  
29 thereof. In the absence of such standard or agreement, the diesel gallon equivalent and method

30 of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied  
31 natural gas. All applicable provisions contained in this chapter governing administration,  
32 collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on  
33 liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;

34 (6) Propane gas fuel, five cents per gallon until December 31, 2019, eleven cents per  
35 gallon from January 1, 2020, until December 31, 2024, and then seventeen cents per gallon  
36 thereafter. All applicable provisions contained in this chapter governing administration,  
37 collection, and enforcement of the state motor fuel tax shall apply to the tax imposed on propane  
38 gas including, but not limited to, licensing, reporting, penalties, and interest;

39 (7) If a natural gas, compressed natural gas, liquefied natural gas, electric, or propane  
40 connection is used for fueling motor vehicles and for another use, such as heating, the tax  
41 imposed by this section shall apply to the entire amount of natural gas, compressed natural gas,  
42 liquefied natural gas, electricity, or propane used unless an approved separate metering and  
43 accounting system is in place.

44 2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be  
45 precollected as described in this chapter, for the facility and convenience of the consumer. The  
46 levy and assessment on other persons as specified in this chapter shall be as agents of this state  
47 for the precollection of the tax.

48 **3. The tax levied and imposed under subdivision (1) of subsection 1 of this section**  
49 **shall be increased by two cents per gallon on January 1, 2022, and shall be increased by**  
50 **an additional two cents per gallon on January first of each successive year thereafter, until**  
51 **a total of five increases have occurred under this subsection.**

52 **4. Beginning January 1, 2022, the department shall prominently display on its**  
53 **website the following information:**

54 **(1) The total amount of revenue generated each year from the increase in motor**  
55 **fuel tax authorized under subsection 3 of this section; and**

56 **(2) The total amount of revenue refunded under section 142.805.**

**142.805. 1. Notwithstanding any provision of law to the contrary, beginning**  
2 **January 1, 2023, any person who pays any portion of the tax increase authorized under**  
3 **subsection 3 of section 142.803 for the purchase of motor fuel shall be eligible to receive a**  
4 **refund for the amount of such tax increase paid, subject to the provisions of this section.**

5 **2. To claim a refund in accordance with subsection 1 of this section, a claimant shall**  
6 **submit to the department a written statement testifying under penalty of perjury that an**  
7 **accurate refund claim is being made and a document describing the total amount of the**  
8 **motor fuel purchased on which the tax increase was paid and for which the refund is being**  
9 **claimed. The refund claim shall be filed with the department no later than one year after**

10 the date of the applicable motor fuel purchase or April fifteenth following the year of the  
11 applicable motor fuel purchase, whichever is later. The written statement shall be  
12 supported by the original sales slip, invoice, or other documentation as approved by the  
13 director and shall include the following information:

14 (1) The date of the motor fuel purchase;

15 (2) The name and address of the purchaser;

16 (3) The name and address of the seller;

17 (4) The number of gallons of motor fuel purchased and the base price per gallon;

18 (5) The number of gallons of motor fuel purchased for which the claimant was  
19 charged motor fuel tax under subdivision (1) of subsection 1 of section 142.803, as a  
20 separate item;

21 (6) The number of gallons of motor fuel purchased for which the claimant was  
22 charged an increase in motor fuel tax under subsection 3 of section 142.803, as a separate  
23 item; and

24 (7) A confirmation that the seller has received payment for the motor fuel purchase.

25 3. If the original sales slip or invoice is lost or destroyed, the claimant shall provide  
26 a written statement testifying to such fact, and the statement shall also set forth the serial  
27 number of the invoice. If the director finds the refund claim is otherwise regular, the  
28 director may allow such refund claim.

29 4. Claims for refunds authorized under this section shall not be sold, transferred,  
30 assigned, or otherwise conveyed.

31 5. The director is hereby authorized to make an investigation before refunding the  
32 motor fuel tax increase to any claimant under this section. The director may also  
33 investigate a refund after a refund has been issued and within the time frame for making  
34 adjustments to the motor fuel tax under this chapter.

35 6. Every claimant shall maintain and keep for a period of three years records to  
36 substantiate all claims for the refund authorized under this section, together with invoices  
37 and other pertinent records, as may be required by the director for reasonable  
38 administration of this section.

39 7. Refunds under this section shall be issued by the department to the claimant  
40 within thirty days of the department's receipt of an accurate and complete claim filing. If  
41 a refund is not issued within thirty days of receipt of an accurate and complete claim, the  
42 director shall pay interest to the claimant at the rate set out in section 32.065, accruing  
43 after the expiration of the thirty-day period until the date the refund is issued.

44 8. Notwithstanding any provision of this section to the contrary, a person shall be  
45 permitted to claim a refund under this section for motor fuel purchased only for up to two

46 motor vehicles per calendar year. No more than one person per calendar year shall be  
47 permitted to claim a refund under this section for motor fuel purchased for a given motor  
48 vehicle.

49 9. The department may promulgate all rules and regulations necessary for the  
50 administration of this section. Any rule or portion of a rule, as that term is defined in  
51 section 536.010, that is created under the authority delegated in this section shall become  
52 effective only if it complies with and is subject to all of the provisions of chapter 536 and,  
53 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any  
54 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
55 the effective date, or to disapprove and annul a rule are subsequently held  
56 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
57 after August 28, 2021, shall be invalid and void.

✓