

CHAPTER.....

AN ACT relating to the tax on special fuel; authorizing the Department of Motor Vehicles to establish by regulation and collect a fee from certain licensed special fuel users for the issuance of the identifying device required by the International Fuel Tax Agreement; revising provisions relating to the rate of interest to be paid by a special fuel user who fails timely to file a tax return or pay any excise tax; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) Under the Agreement, the state in which such vehicles are based for the purposes of vehicle registration is required annually to issue certain decals for display on each such vehicle. While the vehicle is being operated in Nevada, a licensed special fuel user is required to display the decals, termed an “identifying device” by the Nevada statute, on the exterior of the vehicle. (NRS 366.265)

Section 1 of this bill authorizes the Department to establish by regulation a fee for the issuance of such an identifying device, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user whose vehicles are based in Nevada, this bill requires the Department to charge and collect the fee from the special fuel user.

Section 1.5 of this bill revises the rate of interest to be paid by a special fuel user who fails to file a tax return or pay any excise tax by the date due from 1 percent per month to the rate established by the Department in accordance with the provisions of the International Fuel Tax Agreement.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 366.265 is hereby amended to read as follows:
366.265 ***1.*** A special fuel user who is required to hold a special fuel user’s license pursuant to the provisions of this chapter shall:

~~(1)~~ ***(a)*** If the special fuel user uses special fuel in a motor vehicle that is operated or intended to operate interstate:

~~(a)~~ ***(1)*** Obtain an identifying device issued pursuant to a cooperative agreement entered into pursuant to NRS 366.175; and



~~(b)~~ (2) Conspicuously display that identifying device on the exterior of the motor vehicle in such location as is required pursuant to the cooperative agreement.

~~(2)~~ (b) At any time the special fuel user is using special fuel in this State, ensure that his or her license, or a reproduction of the license that is authorized by the Department, is located in the motor vehicle.

2. The Department may establish by regulation a fee for the issuance of the identifying device described in subsection 1, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user, it shall charge and collect the fee from the special fuel user.

Sec. 1.5. NRS 366.395 is hereby amended to read as follows:

366.395 1. Any special fuel user who fails to file a tax return or pay any excise tax by the date due shall pay, in addition to any tax that may be due, a delinquent filing fee of \$50 and a penalty of 10 percent of the amount of tax owed, plus interest on the amount of any tax that may be due at ~~the~~ a rate ~~of 1 percent per month or fraction thereof,~~ *established by the Department in accordance with the provisions of a cooperative agreement entered into pursuant to NRS 366.175*, from the date the tax was due until the date of payment.

2. A tax return, statement or payment is considered delinquent if it is not received by the Department on or before the date the tax return, statement or payment is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 2. This act becomes effective on July 1, 2013.

