

118TH CONGRESS
1ST SESSION

H. R. 1440

To amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2023

Mr. LAMALFA (for himself, Mr. PAPPAS, Mr. LAHOOD, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modern, Clean, and
5 Safe Trucks Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the 12-percent Federal retail excise tax on
9 certain new heavy trucks, tractors, and trailers, cou-

1 pled with new regulatory mandates, significantly in-
2 creases the cost of new heavy-duty trucks, tractors,
3 and trailers and discourages the replacement of
4 older, less environmentally clean and less fuel eco-
5 nomical vehicles;

6 (2) this 12-percent Federal retail excise tax is
7 the highest percentage rate of any Federal ad valo-
8 rem excise tax;

9 (3) the Federal excise tax was first levied by
10 Congress in 1917 to help finance America's involve-
11 ment in World War I;

12 (4) the 12-percent Federal retail excise tax rou-
13 tinely adds between \$12,000 and \$22,000 to the cost
14 of a new heavy truck, tractor, or trailer;

15 (5) nearly half of the Class 8 trucks on the
16 road are over 10 years old and lack a decade of envi-
17 ronmental and safety technological advancements;

18 (6) from 2007 to 2020, new trucks have re-
19 duced carbon dioxide emissions by 202,000,000 tons,
20 nitrogen oxide emissions by 27,000,000 tons, and
21 saved 20,000,000,000 gallons of diesel and
22 472,000,000 barrels of crude oil;

23 (7) an owner of a single Class 8 truck powered
24 by the latest clean diesel engine can expect to save

1 about 2,200 gallons of fuel each year compared to
2 previous generations of technology;

3 (8) since the late 1990s, cleaner fuel and ad-
4 vanced engines have combined to reduce nitrogen
5 oxide (NO_x) emissions and particulate matter (PM)
6 emissions by 98 percent;

7 (9) the Federal excise tax disproportionately
8 impacts electric and alternative-fueled trucks, which
9 currently have a higher up front cost, at a time
10 when adoption of these technologies is needed to ac-
11 celerate the transition to zero emission vehicles and
12 the reduction of carbon pollution from transpor-
13 tation;

14 (10) in 2020, there were approximately
15 1,300,000 United States manufacturing, supplier,
16 dealership, and heavy-duty trucking and trailer re-
17 lated jobs;

18 (11) since the Federal retail excise tax on cer-
19 tain new heavy trucks, tractors, and trailers is based
20 on annual sales, receipts from the tax deposited in
21 the Highway Trust Fund can vary greatly;

22 (12) Congress should consider a more reliable
23 and consistent revenue mechanism to fund the High-
24 way Trust Fund;

1 (13) Congress should advance the deployment
2 of the most modern, clean, and safe trucks through
3 eliminating the Federal excise tax on trucks; and

4 (14) repealing the Federal excise tax would re-
5 sult in the replacement of older internal combustion
6 engine trucks with new heavy duty trucks that em-
7 ploy the latest safety and environmental tech-
8 nologies.

9 **SEC. 3. REPEAL OF EXCISE TAX ON HEAVY TRUCKS AND**
10 **TRAILERS.**

11 (a) IN GENERAL.—Chapter 31 of the Internal Rev-
12 enue Code of 1986 is amended by striking subchapter C
13 (and by striking the item relating to such subchapter from
14 the table of subchapters for such chapter).

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 4072(c) of such Code is amended to
17 read as follows:

18 “(c) TIRES OF THE TYPE USED ON HIGHWAY VEHI-
19 CLES.—

20 “(1) IN GENERAL.—For purposes of this part,
21 the term ‘tires of the type used on highway vehicles’
22 means tires of the type used on—

23 “(A) motor vehicles which are highway ve-
24 hicles, or

1 “(B) vehicles of the type used in connec-
2 tion with motor vehicles which are highway ve-
3 hicles.

4 “(2) EXCEPTION FOR MOBILE MACHINERY.—

5 “(A) IN GENERAL.—Such term shall not
6 include tires of a type used exclusively on mo-
7 bile machinery.

8 “(B) MOBILE MACHINERY.—For purposes
9 of subparagraph (A), the term ‘mobile machin-
10 ery’ means any vehicle which consists of a chas-
11 sis—

12 “(i) to which there has been perma-
13 nently mounted (by welding, bolting, riv-
14 eting, or other means) machinery or equip-
15 ment to perform a construction, manufac-
16 turing, processing, farming, mining, drill-
17 ing, timbering, or similar operation if the
18 operation of the machinery or equipment is
19 unrelated to transportation on or off the
20 public highways,

21 “(ii) which has been specially designed
22 to serve only as a mobile carriage and
23 mount (and a power source, where applica-
24 ble) for the particular machinery or equip-

1 ment involved, whether or not such ma-
2 chinery or equipment is in operation, and
3 “(iii) which, by reason of such special
4 design, could not, without substantial
5 structural modification, be used as a com-
6 ponent of a vehicle designed to perform a
7 function of transporting any load other
8 than that particular machinery or equip-
9 ment or similar machinery or equipment
10 requiring such a specially designed chas-
11 sis.”.

12 (2) Section 4221 of such Code is amended—

13 (A) in subsection (a)—

14 (i) by striking “(or under subchapter
15 C of chapter 31 on the first retail sale)”,
16 and

17 (ii) by striking “4051 or”,

18 (B) in subsection (c), by striking “and in
19 the case of any article sold free of tax under
20 section 4053(6),”, and

21 (C) in subsection (d)(1), by striking “,
22 and, in the case of the taxes imposed by sub-
23 chapter C of chapter 31, includes the retailer
24 with respect to the first retail sale”.

1 (3) Section 4222(d) of such Code is amended
2 by striking “4053(6),”.

3 (4) Section 4293 of such Code is amended by
4 striking “section 4051,”.

5 (5) Section 4483(g) of such Code is amended
6 by striking “section 4053(8)” and inserting “section
7 4072(e)(2)”.

8 (6) Section 6416(b)(2) of such Code is amend-
9 ed by striking “or under section 4051”.

10 (7) Section 6416(b) of such Code is amended
11 by striking paragraph (6).

12 (8) Section 9503(b)(1) of such Code is amend-
13 ed by striking subparagraph (B) and by redesignig-
14 nating subparagraphs (C), (D), and (E) as subpara-
15 graphs (B), (C), and (D), respectively.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to sales and installations on or
18 after the date of the introduction of this Act.

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