

1
2
3
4
5
6
7
8
9
10
11
12
13

14
15

16
17
18
19
20

H.592

Introduced by Representatives Brennan of Colchester, Bissonnette of
Winooski, Corcoran of Bennington, Huntley of Cavendish,
Murphy of Fairfax, Potter of Clarendon, Quimby of Concord,
Russell of Rutland City, and Shaw of Derby

Referred to Committee on

Date:

Subject: Transportation; taxation; fees; appropriations; transfers

Statement of purpose of bill as introduced: This bill proposes to prohibit the
deposit, transfer, or appropriation of transportation-related tax, fee, and penalty
revenues, and of other monies received by the State for transportation projects
and activities, for purposes that are not transportation-related, except as
specifically authorized by law.

An act relating to the use of transportation revenues for transportation
purposes

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 19 V.S.A. § 11a is amended to read:

§ 11a. LIMITATION ON TRANSFER AND APPROPRIATION OF
TRANSPORTATION REVENUES AND FUNDS APPROPRIATED
FOR THE DEPARTMENT OF PUBLIC SAFETY

1 (a) Deposit of transportation revenues, monies into Transportation Fund.

2 (1) Except as authorized in subdivision (3) of this subsection, gifts or
3 federal monies received for transportation projects or activities, and any of the
4 revenues and monies described in subdivision (2) of this subsection, shall be
5 deposited to the Transportation Fund and shall not be deposited to any other
6 fund or otherwise spent.

7 (2) The following shall be subject to the limitation of subdivision (1) of
8 this subsection:

9 (A) the revenues and monies described in section 11 of this title;

10 (B) any tax, fee, or other charge on fuels or other sources of energy
11 sold or used to propel vehicles upon the highways of this State or to propel
12 aircraft or railroad rolling stock, and on emissions related to the use of such
13 fuel;

14 (C) any mileage or distance-based fee or toll imposed in connection
15 with operating a vehicle on the highways of this State;

16 (D) any tax, fee, or other charge imposed in connection with vehicle
17 or aircraft registration, operation, or use; licensing of vehicle or aircraft
18 operators; and licensing or registration of vehicle or aircraft dealers or
19 transporters;

1 (E) any penalty, fine, surcharge, or other charge imposed in
2 connection with enforcement of the laws governing operation of vehicles on
3 highways in this State;

4 (F) any tax, fee, or other charge imposed on the sale or use of motor
5 vehicles as defined in 23 V.S.A. § 4, on aircraft and aircraft parts, and on
6 railroad rolling stock and railroad equipment.

7 (3) Notwithstanding subdivisions (1) and (2) of this subsection, the
8 following monies and revenues may be deposited to a fund other than the
9 Transportation Fund:

10 (A) purchase and use tax revenues deposited to the Education Fund
11 pursuant to 16 V.S.A. § 4025;

12 (B) motor fuel tax revenues deposited to the Fish and Wildlife Fund
13 and the Natural Resources Management Fund pursuant to 23 V.S.A. § 3106(d);

14 (C) motor fuel tax revenues deposited to the DUI Enforcement
15 Special Fund pursuant to 23 V.S.A. § 1220a;

16 (D) the motor fuel and diesel assessments deposited to the
17 Transportation Infrastructure Bond Fund pursuant to 23 V.S.A. §§ 3003(a) and
18 3106(a);

19 (E) revenues from the one-cent-per-gallon fee on motor fuels
20 deposited to the Petroleum Cleanup Fund pursuant to 10 V.S.A. § 1942;

1 (F) revenues from the \$1.00 per vehicle emission fee on motor
2 vehicle registrations deposited to the Environmental Permit Fund pursuant to
3 3 V.S.A. § 2822;

4 (G) revenues from surcharges on convictions for traffic violations as
5 specified in Titles 4, 13, and 23;

6 (H) revenues from penalties for certain traffic violation convictions
7 resulting from municipal enforcement as specified in 13 V.S.A. § 7251;

8 (I) the \$12.50 administrative charge for each traffic violation in
9 which a fine or penalty is assessed that is deposited to the Court Technology
10 Special Fund pursuant to 13 V.S.A. § 7252;

11 (J) snowmobile, motorboat, and ATV registration fees, and penalties
12 collected in connection with enforcement of laws regulating the operation of
13 snowmobiles, motorboats, and ATVs, to the extent specified in 23 V.S.A.
14 chapters 29 and 31;

15 (K) revenues from the sales tax on electricity used to propel motor
16 vehicles, unless such revenues are designated for deposit to the Transportation
17 Fund.

18 (b) ~~No transportation funds shall be~~ Monies deposited into the
19 Transportation Fund shall not be transferred or appropriated for the support of
20 government other than for;

1 (1) ~~the~~ The Agency, This subdivision shall not be construed to limit the
2 authority of the Agency to act as a pass-through for the allocation of
3 transportation funds in support of transportation projects and activities in
4 accordance with law and as approved in the annual Transportation Program.

5 (2) ~~the~~ The Board;

6 (3) Transportation Pay Act Funds;

7 (4) ~~construction~~ Construction of transportation capital facilities;

8 (5) ~~transportation~~ Transportation debt service;

9 (6) ~~the~~ The operation of information centers by the Department of
10 Buildings and General Services, ~~and the~~;

11 (7) Transfers to the Downtown Transportation and Related Capital
12 Improvement Fund created in 24 V.S.A. § 2796.

13 (8) Transfers to the Recreational Trails Fund created in 10 V.S.A. § 446.

14 (9) The Department of Public Safety. The amount of transportation
15 funds appropriated to the Department of Public Safety shall not exceed:

16 ~~(1)~~(A) \$25,250,000.00 in fiscal year 2014;

17 ~~(2)~~(B) \$22,750,000.00 in fiscal years 2015 and 2016; and

18 ~~(3)~~(C) \$20,250,000.00 in fiscal year 2017 and in succeeding fiscal years.

19 (10) Transfers or appropriations specifically authorized by law.

1 Sec. 2. 19 V.S.A. § 11 is amended to read:

2 § 11. TRANSPORTATION FUND

3 ~~The~~ Except as otherwise specifically allocated by law, the Transportation
4 Fund shall comprise the following:

5 (1) all taxes, penalties, and fees ~~received by the Commissioner of Motor~~
6 ~~Vehicles except those relating to motorboats imposed under 23 V.S.A. chapter~~
7 ~~29 which shall be expended pursuant to 23 V.S.A. § 3319, or other charges~~
8 imposed under this title, Titles 5 and 23, and under 32 V.S.A. chapter 219;

9 (2) ~~the revenue derived from the taxes on motor fuel as provided for by~~
10 ~~Title 23; [Repealed.]~~

11 (3) all ~~grants~~ monies from the federal government and regional
12 associations for transportation purposes except for activities related to
13 snowmobiles and, motorboats, and ATVs;

14 (4) monies received from the sales and use tax on aviation jet fuel and
15 on natural gas used to propel a motor vehicle under 32 V.S.A. chapter 233;

16 (5) ~~receipts from pilot and aircraft license fees; [Repealed.]~~

17 (6) ~~all penalties and fines imposed under this title and Titles 5 and 23;~~
18 [Repealed.]

19 (7) both statewide and departmental indirect cost recoveries from federal
20 sources by the Agency of Transportation;

1 (8) other miscellaneous sources including the sale of maps, plans, and
2 reports, fees collected by the Travel Information Council, leases for property at
3 State-owned airports and railroads, proceeds from the sale of State surplus
4 property under the provisions of 29 V.S.A. §§ 1556 and 1557, and proceeds
5 from the sale of recycled materials;

6 (9) any other monies gifted, granted, or otherwise allocated to the
7 Agency or designated for deposit to the Transportation Fund.

8 Sec. 3. 32 V.S.A. § 8912 is amended to read:

9 § 8912. ALLOCATION OF FUNDS

10 ~~The~~ Except as provided in 16 V.S.A. § 4025, the taxes collected under this
11 chapter shall be paid into and accounted for in the Transportation Fund.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2016.