

# SENATE BILL No. 1074

January 31, 2008, Introduced by Senator WHITMER and referred to the Committee on Transportation.

A bill to amend 1980 PA 119, entitled  
"Motor carrier fuel tax act,"  
by amending section 2 (MCL 207.212), as amended by 2006 PA 346.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. (1) A motor carrier licensed under this act shall pay  
2 a road tax calculated on the amount of motor fuel consumed in  
3 qualified commercial motor vehicles on the public roads or highways  
4 within this state. Except as otherwise provided under subsection  
5 (6), the tax shall be at the rate of 15 cents per gallon on motor  
6 fuel consumed on the public roads or highways within this state. In  
7 addition, qualified commercial motor vehicles licensed under this  
8 act that travel in interstate commerce will be subject to the  
9 definition of taxable motor fuels and rates as defined by the  
10 respective international fuel tax agreement member jurisdictions. A

1 return shall be filed, and the tax due paid, quarterly to the  
2 department on or before the last day of January, April, July, and  
3 October of each year on a form prescribed and furnished by the  
4 department. Each quarterly return and tax payment shall cover the  
5 liability for the annual quarter ending on the last day of the  
6 preceding month.

7 (2) The amount of motor fuel consumed in the operation of a  
8 motor carrier on public roads or highways within this state shall  
9 be determined by dividing the miles traveled within Michigan by the  
10 average miles per gallon of motor fuel. The average miles per  
11 gallon of motor fuel shall be determined by dividing the miles  
12 traveled within and outside of Michigan by the total amount of  
13 motor fuel consumed within and outside of Michigan.

14 (3) In the absence of records showing the average number of  
15 miles operated per gallon of motor fuel, it shall be presumed that  
16 1 gallon of motor fuel is consumed for every 4 miles traveled.

17 (4) The quarterly tax return shall be accompanied by a  
18 remittance covering any tax due.

19 (5) The commissioner, when he or she considers it necessary to  
20 ensure payment of the tax or to provide a more efficient  
21 administration of the tax, may require the filing of returns and  
22 payment of the tax for other than quarterly periods.

23 (6) The road tax required under this section shall be at a  
24 rate of 12 cents per gallon for diesel fuel that contains at least  
25 5% biodiesel. As used in this subsection, "biodiesel" means a fuel  
26 composed of mono-alkyl esters of long chain fatty acids derived  
27 from vegetable oils or animal fats and, in accordance with

1 standards specified by the American society for testing and  
2 materials, designated B100 and meeting the requirements of D-6751,  
3 as approved by the department of agriculture.

4 (7) Beginning on September 1, 2006, the state treasurer shall  
5 annually determine, for the 12-month period ending May 1 and for  
6 any additional times that the treasurer may determine, the  
7 difference between the amount of motor fuel tax collected and the  
8 amount of motor fuel tax that would have been collected but for the  
9 differential rates on motor fuel in section 8 of the motor fuel tax  
10 act, 2000 PA 403, MCL 207.1008, and on motor fuel in subsection  
11 **(6). THE TREASURER SHALL NOTIFY THE CHAIRS OF THE APPROPRIATIONS**  
12 **COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE**  
13 **CHAIRS OF THE APPROPRIATIONS SUBCOMMITTEES ON TRANSPORTATION OF THE**  
14 **SENATE AND THE HOUSE OF REPRESENTATIVES, AND THE SENATE AND HOUSE**  
15 **FISCAL AGENCIES OF THE RATE DIFFERENTIAL NO LATER THAN 7 DAYS AFTER**  
16 **THE TREASURER HAS DETERMINED THE RATE DIFFERENTIAL.** Subsection (6)  
17 is no longer effective the earlier of 10 years after September 1,  
18 2006 or the first day of the first month that is not less than 90  
19 days after the state treasurer certifies that the total cumulative  
20 rate differential due to the differential rates in section 8 of the  
21 motor fuel tax act, 2000 PA 403, MCL 207.1008, and subsection (6)  
22 from September 1, 2006 is greater than \$2,500,000.00.

23 (8) The legislature shall annually appropriate to the Michigan  
24 transportation fund created in 1951 PA 51, MCL 247.651 to 247.675,  
25 the amount determined as the rate differential certified by the  
26 state treasurer for the 12-month period ending on May 1 of the  
27 calendar year in which the fiscal year begins. ~~Subsection~~ **EXCEPT**

1 FOR THE FISCAL YEAR THAT BEGINS OCTOBER 1, 2007, SUBSECTION (6)  
2 shall not be effective beginning January of any fiscal year for  
3 which the appropriation required under this subsection has not been  
4 made by the first day of the fiscal year. FOR THE FISCAL YEAR THAT  
5 BEGINS OCTOBER 1, 2007, SUBSECTION (6) SHALL BE SUSPENDED BEGINNING  
6 JANUARY OF THE FISCAL YEAR FOR WHICH THE APPROPRIATION REQUIRED  
7 UNDER THIS SUBSECTION HAS NOT BEEN MADE BY OCTOBER 1, 2007 AND  
8 SHALL BECOME EFFECTIVE NO LATER THAN 14 DAYS AFTER THE DEPARTMENT  
9 OF TREASURY DETERMINES THAT THE APPROPRIATION REQUIRED UNDER THIS  
10 SUBSECTION HAS BEEN MADE.