

FIRST REGULAR SESSION

SENATE BILL NO. 242

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0576S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 142.803 and 142.822, RSMo, and to enact in lieu thereof one new section relating to taxation of motor fuel, with an emergency clause for a certain section and a delayed effective date for a certain section.

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

Section A. Sections 142.803 and 142.822, RSMo, are
2 repealed and one new section enacted in lieu thereof, to be
3 known as section 142.803, to read as follows:

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

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

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

15 (3) Aviation fuel used in propelling aircraft with
16 reciprocating engines, nine cents per gallon as levied and

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 imposed by section 155.080 to be collected as required under
18 this chapter;

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

36 (5) Liquefied natural gas fuel, five cents per diesel
37 gallon equivalent until December 31, 2019, eleven cents per
38 diesel gallon equivalent from January 1, 2020, until
39 December 31, 2024, and then seventeen cents per diesel
40 gallon equivalent thereafter. The diesel gallon equivalent
41 and method of sale for liquefied natural gas shall be as
42 published by the National Institute of Standards and
43 Technology in Handbooks 44 and 130, and supplements thereto
44 or revisions thereof. In the absence of such standard or
45 agreement, the diesel gallon equivalent and method of sale
46 for liquefied natural gas shall be equal to six and six-
47 hundredths pounds of liquefied natural gas. All applicable
48 provisions contained in this chapter governing

49 administration, collections, and enforcement of the state
50 motor fuel tax shall apply to the tax imposed on liquefied
51 natural gas, including but not limited to licensing,
52 reporting, penalties, and interest;

53 (6) Propane gas fuel, five cents per gallon until
54 December 31, 2019, eleven cents per gallon from January 1,
55 2020, until December 31, 2024, and then seventeen cents per
56 gallon thereafter. All applicable provisions contained in
57 this chapter governing administration, collection, and
58 enforcement of the state motor fuel tax shall apply to the
59 tax imposed on propane gas including, but not limited to,
60 licensing, reporting, penalties, and interest;

61 (7) If a natural gas, compressed natural gas,
62 liquefied natural gas, electric, or propane connection is
63 used for fueling motor vehicles and for another use, such as
64 heating, the tax imposed by this section shall apply to the
65 entire amount of natural gas, compressed natural gas,
66 liquefied natural gas, electricity, or propane used unless
67 an approved separate metering and accounting system is in
68 place.

69 2. All taxes, surcharges and fees are imposed upon the
70 ultimate consumer, but are to be precollected as described
71 in this chapter, for the facility and convenience of the
72 consumer. The levy and assessment on other persons as
73 specified in this chapter shall be as agents of this state
74 for the precollection of the tax.

75 3. [In addition to any tax collected under subdivision
76 (1) of subsection 1 of this section, the following tax is
77 levied and imposed on all motor fuel used or consumed in
78 this state, subject to the exemption on tax liability set
79 forth in section 142.822: from October 1, 2021, to June 30,
80 2022, two and a half cents per gallon; from July 1, 2022, to

81 June 30, 2023, five cents per gallon; from July 1, 2023, to
82 June 30, 2024, seven and a half cents per gallon; from July
83 1, 2024, to June 30, 2025, ten cents per gallon; and on and
84 after July 1, 2025, twelve and a half cents per gallon]
85 **Notwithstanding any provision of law to the contrary, there**
86 **shall be a period of one hundred eighty days following the**
87 **enactment of this subsection during which no tax levied or**
88 **imposed under this section shall be in effect. The director**
89 **of revenue shall announce to the public and publish on its**
90 **website the motor fuel tax-free period established under**
91 **this subsection.**

2 [142.822. 1. Motor fuel used for purposes
3 of propelling motor vehicles on highways shall
4 be exempt from the fuel tax collected under
5 subsection 3 of section 142.803, and an
6 exemption and refund may be claimed by the
7 taxpayer if the tax has been paid and no refund
8 has been previously issued, provided that the
9 taxpayer applies for the exemption and refund as
10 specified in this section. The exemption and
11 refund shall be issued on a fiscal year basis to
12 each person who pays the fuel tax collected
13 under subsection 3 of section 142.803 and who
14 claims an exemption and refund in accordance
15 with this section, and shall apply so that the
16 fuel taxpayer has no liability for the tax
17 collected in that fiscal year under subsection 3
18 of section 142.803.

19 2. To claim an exemption and refund in
20 accordance with this section, a person shall
21 present to the director a statement containing a
22 written verification that the claim is made
23 under penalty of perjury and that states the
24 total fuel tax paid in the applicable fiscal
25 year for each vehicle for which the exemption
26 and refund is claimed. The claim shall not be
27 transferred or assigned, and shall be filed on
28 or after July first, but not later than
29 September thirtieth, following the fiscal year
30 for which the exemption and refund is claimed.
31 The claim statement may be submitted
32 electronically, and shall at a minimum include
33 the following information:

- 33 (1) Vehicle identification number of the
- 34 motor vehicle into which the motor fuel was
- 35 delivered;
- 36 (2) Date of sale;
- 37 (3) Name and address of purchaser;

38 (4) Name and address of seller;
39 (5) Number of gallons purchased; and
40 (6) Number of gallons purchased and
41 charged Missouri fuel tax, as a separate item.

42 3. Every person shall maintain and keep
43 records supporting the claim statement filed
44 with the department of revenue for a period of
45 three years to substantiate all claims for
46 exemption and refund of the motor fuel tax,
47 together with invoices, original sales receipts
48 marked paid by the seller, bills of lading, and
49 other pertinent records and paper as may be
50 required by the director for reasonable
51 administration of this chapter.

52 4. The director may make any investigation
53 necessary before issuing an exemption and refund
54 under this section, and may investigate an
55 exemption and refund under this section after it
56 has been issued and within the time frame for
57 making adjustments to the tax pursuant to this
58 chapter.

59 5. If an exemption and refund is not
60 issued within forty-five days of an accurate and
61 complete filing, as required by this chapter,
62 the director shall pay interest at the rate
63 provided in section 32.065 accruing after the
64 expiration of the forty-five-day period until
65 the date the exemption and refund is issued.

66 6. The exemption and refund specified in
67 this section shall be available only with regard
68 to motor fuel delivered into a motor vehicle
69 with a gross weight, as defined in section
70 301.010, of twenty-six thousand pounds or less.

71 7. The director shall promulgate rules as
72 necessary to implement the provisions of this
73 section. Any rule or portion of a rule, as that
74 term is defined in section 536.010, that is
75 created under the authority delegated in this
76 section shall become effective only if it
77 complies with and is subject to all of the
78 provisions of chapter 536 and, if applicable,
79 section 536.028. This section and chapter 536
80 are nonseverable and if any of the powers vested
81 with the general assembly pursuant to chapter
82 536 to review, to delay the effective date, or
83 to disapprove and annul a rule are subsequently
84 held unconstitutional, then the grant of
85 rulemaking authority and any rule proposed or
86 adopted after August 28, 2021, shall be invalid
87 and void.]

Section B. Because of the need to provide immediate
2 relief from motor fuel costs, the repeal and reenactment of
3 section 142.803 of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace,

5 and safety, and is hereby declared to be an emergency act
6 within the meaning of the constitution, and the repeal and
7 reenactment of section 142.803 of this act shall be in full
8 force and effect upon its passage and approval.

Section C. The repeal of section 142.822 of this act
2 shall be effective October 1, 2023.

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