

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2091
99TH GENERAL ASSEMBLY

5607H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to taxation of motor fuel, with a referendum clause.

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

Section A. Section 142.803, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 142.803, to read as follows:

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

(1) Motor fuel[;] :

(a) Before January 1, 2019, seventeen cents per gallon; and

(b) On and after January 1, 2019, twenty-seven cents per gallon;

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

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

(4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 by the National Institute of Standards and Technology in Handbooks 44 and 130, and
20 supplements thereto or revisions thereof. In the absence of such standard or agreement, the
21 gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five
22 and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained
23 in this chapter governing administration, collections, and enforcement of the state motor fuel tax
24 shall apply to the tax imposed on compressed natural gas, including but not limited to licensing,
25 reporting, penalties, and interest;

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

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

41 (7) If a natural gas, compressed natural gas, liquefied natural gas, electric, or propane
42 connection is used for fueling motor vehicles and for another use, such as heating, the tax
43 imposed by this section shall apply to the entire amount of natural gas, compressed natural gas,
44 liquefied natural gas, electricity, or propane used unless an approved separate metering and
45 accounting system is in place.

46 2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be
47 precollected as described in this chapter, for the facility and convenience of the consumer. The
48 levy and assessment on other persons as specified in this chapter shall be as agents of this state
49 for the precollection of the tax.

50 **3. Notwithstanding any other provision of law to the contrary, beginning January**
51 **1, 2026, all motor fuels and alternative fuels, including gasoline, diesel, electricity,**
52 **hydrogen, propane, compressed natural gas, and liquefied natural gas, shall be taxed at**
53 **substantially the same rate. The department of agriculture, in cooperation with the**
54 **department of revenue, shall promulgate rules on or before December 31, 2023, to**

55 **implement the provisions of this subsection. Any rule or portion of a rule, as that term is**
56 **defined in section 536.010, that is created under the authority delegated in this section shall**
57 **become effective only if it complies with and is subject to all of the provisions of chapter**
58 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
59 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
60 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
61 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
62 **after August 28, 2018, shall be invalid and void.**

Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election, which is hereby ordered and which shall be held and
3 conducted on the Tuesday immediately following the first Monday in November, 2018, or at a
4 special election to be called by the governor for that purpose, pursuant to the laws and
5 constitutional provisions of this state applicable to general elections and the submission of
6 referendum measures by initiative petition, and it shall become effective when approved by a
7 majority of the votes cast thereon at such election and not otherwise.

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