

By: Brimer

S.B. No. 557

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the collection of the tax on gasoline and diesel fuel
3 and to the use of the certain revenue from the tax.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 162.113(e), Tax Code, is amended to read
6 as follows:

7 (e) A licensed distributor or licensed importer who makes
8 timely payments of the gasoline tax imposed under this subchapter
9 is entitled to retain an amount equal to .375 [~~1.75~~] percent of the
10 total taxes to be paid to the supplier or permissive supplier to
11 cover administrative expenses.

12 SECTION 2. Sections 162.114(a) and (b), Tax Code, are
13 amended to read as follows:

14 (a) Except as provided by Subsection (b), each person who is
15 liable for the tax imposed by this subchapter, a terminal operator,
16 and a licensed distributor shall file a return on or before the 20th
17 [~~25th~~] day of the month following the end of each calendar month.

18 (b) A motor fuel transporter and an interstate trucker shall
19 file a return on or before the 20th [~~25th~~] day of the month
20 following the end of the calendar quarter.

21 SECTION 3. Section 162.116(b), Tax Code, is amended to read
22 as follows:

23 (b) A supplier or permissive supplier that timely pays the
24 tax to this state may deduct from the amount of tax due a collection

1 allowance equal to one-half of one [~~two~~] percent of the amount of
2 tax payable to this state.

3 SECTION 4. Section 162.119(b), Tax Code, is amended to read
4 as follows:

5 (b) An importer of gasoline that timely files a return and
6 payment may deduct from the amount of tax payable with the return a
7 collection allowance equal to one-half of one [~~two~~] percent of the
8 amount of tax payable to this state.

9 SECTION 5. Section 162.127(f), Tax Code, is amended to read
10 as follows:

11 (f) After examination of the refund claim, the comptroller,
12 before issuing a refund warrant, shall deduct from the amount of the
13 refund the one-half of one [~~two~~] percent deducted originally by the
14 license holder on the first sale or distribution of the gasoline.

15 SECTION 6. Section 162.214(e), Tax Code, is amended to read
16 as follows:

17 (e) A licensed distributor or licensed importer who makes
18 timely payments of the diesel fuel tax imposed under this
19 subchapter is entitled to retain an amount equal to .375 [~~1.75~~]
20 percent of the total taxes to be paid to the supplier or permissive
21 supplier to cover administrative expenses.

22 SECTION 7. Sections 162.215(a) and (b), Tax Code, are
23 amended to read as follows:

24 (a) Except as provided by Subsection (b), each person who is
25 liable for the tax imposed by this subchapter, a terminal operator,
26 and a licensed distributor shall file a return on or before the 20th
27 [~~25th~~] day of the month following the end of each calendar month.

1 (b) A motor fuel transporter, interstate trucker, and dyed
2 diesel fuel bonded user shall file a return on or before the 20th
3 [~~25th~~] day of the month following the end of the calendar quarter.

4 SECTION 8. Section 162.217(b), Tax Code, is amended to read
5 as follows:

6 (b) A supplier or permissive supplier that timely pays the
7 tax to this state may deduct from the amount of tax due a collection
8 allowance equal to one-half of one [~~two~~] percent of the amount of
9 tax payable to this state.

10 SECTION 9. Section 162.220(b), Tax Code, is amended to read
11 as follows:

12 (b) An importer of diesel fuel that timely files a return
13 and payment may deduct from the amount of tax payable with the
14 return a collection allowance equal to one-half of one [~~two~~]
15 percent of the amount of tax payable to this state.

16 SECTION 10. Section 162.229(f), Tax Code, is amended to
17 read as follows:

18 (f) After examination of the refund claim, the comptroller,
19 before issuing a refund warrant, shall deduct from the amount of the
20 refund the one-half of one [~~two~~] percent deducted originally by the
21 license holder on the first sale or distribution of the diesel fuel.

22 SECTION 11. Section 162.501(a), Tax Code, is amended to
23 read as follows:

24 (a) Before any other allocation of the taxes collected under
25 this chapter is made, one-half of one percent of the gross amount of
26 the taxes shall be deposited in the state treasury in a special
27 fund, subject to the use of the comptroller in the administration

1 and enforcement of this chapter.

2 SECTION 12. Subchapter F, Chapter 162, Tax Code, is amended
3 by adding Section 162.5015 to read as follows:

4 Sec. 162.5015. ALLOCATION AND USE OF CERTAIN REVENUE. (a)
5 On or before the fifth workday after each month, the comptroller
6 shall determine as accurately as possible:

7 (1) the difference between the amount of revenue the
8 comptroller allocated under Section 162.501 and the amount the
9 comptroller would have allocated if the comptroller allocated one
10 percent of the gross amount of the taxes instead of one-half of one
11 percent; and

12 (2) the difference between the amount of revenue that
13 suppliers, importers, and distributors retained or deducted as
14 administrative allowances under Subchapters B and C and the amount
15 the suppliers, importers, and distributors would have retained or
16 deducted if the administrative allowance was equal to two percent
17 instead of one-half of one percent.

18 (b) After making deductions for refund purposes, the
19 comptroller shall allocate and deposit the revenue as follows:

20 (1) one-fourth to the credit of the available school
21 fund; and

22 (2) three-fourths to the credit of the state highway
23 fund.

24 (c) Revenue deposited to the state highway fund under
25 Subsection (b)(2) may be appropriated only to the Texas Department
26 of Transportation. The Texas Department of Transportation may use
27 the revenue only in the three department districts that have the

1 highest population for projects intended to mitigate traffic
2 congestion in those districts.

3 SECTION 13. Section 162.503, Tax Code, is amended to read as
4 follows:

5 Sec. 162.503. ALLOCATION OF GASOLINE TAX. On or before the
6 fifth workday after the end of each month, the comptroller, after
7 making all deductions for refund purposes and for the amounts
8 allocated under Sections 162.5015, 162.502, and 162.5025, shall
9 allocate the net remainder of the taxes collected under Subchapter
10 B as follows:

11 (1) one-fourth of the tax shall be deposited to the
12 credit of the available school fund;

13 (2) one-half of the tax shall be deposited to the
14 credit of the state highway fund for the construction and
15 maintenance of the state road system under existing law; and

16 (3) from the remaining one-fourth of the tax the
17 comptroller shall:

18 (A) deposit to the credit of the county and road
19 district highway fund all the remaining tax receipts until a total
20 of \$7,300,000 has been credited to the fund each fiscal year; and

21 (B) after the amount required to be deposited to
22 the county and road district highway fund has been deposited,
23 deposit to the credit of the state highway fund the remainder of the
24 one-fourth of the tax, the amount to be provided on the basis of
25 allocations made each month of the fiscal year, which sum shall be
26 used by the Texas Department of Transportation for the
27 construction, improvement, and maintenance of farm-to-market

1 roads.

2 SECTION 14. Section 162.504, Tax Code, is amended to read as
3 follows:

4 Sec. 162.504. ALLOCATION OF DIESEL FUEL TAX. On or before
5 the fifth workday after the end of each month, the comptroller,
6 after making deductions for refund purposes, for the administration
7 and enforcement of this chapter, and for the amounts allocated
8 under Sections 162.5015 and [Section] 162.5025, shall allocate the
9 remainder of the taxes collected under Subchapter C as follows:

10 (1) one-fourth of the taxes shall be deposited to the
11 credit of the available school fund; and

12 (2) three-fourths of the taxes shall be deposited to
13 the credit of the state highway fund.

14 SECTION 15. This Act applies only to taxes imposed on or
15 after the effective date of this Act. Taxes imposed before the
16 effective date of this Act are governed by the law in effect on the
17 date those taxes were imposed, and that law is continued in effect
18 for that purpose.

19 SECTION 16. This Act takes effect September 1, 2005.