

By: Guillen

H.B. No. 1309

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a credit representing motor fuels taxes against, and imposing, a mileage tax and to the use of revenue from that tax; providing penalties.

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

SECTION 1. This act may be cited as the Good Roads Act of 2013

SECTION 2. Subtitle E, Title 2, Tax Code, is amended by adding Chapter 163 to read as follows:

CHAPTER 163. MILEAGE TAX

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 163.001. GENERAL DEFINITIONS. In this chapter:

(1) "Combined fuel economy estimate" means an estimate of the average number of miles traveled by a motor vehicle per gallon of fuel consumed.

(2) "Compulsory inspection" means an inspection of a motor vehicle required by Chapter 548, Transportation Code.

(3) "Credit representing motor fuels taxes" means the amount of the credit computed under Section 163.053 and subtracted under Section 163.052.

(4) "Department" means the Texas Department of Transportation.

(5) "Electric motor vehicle" means a motor vehicle that uses electricity as its only source of motor power.

1 (6) "Motor vehicle" has the meaning assigned by
2 Section 541.201, Transportation Code.

3 Sec. 163.002. TAX PERIOD DEFINED. (a) Except as provided by
4 Subsection (b), "tax period" for purposes of the tax imposed by this
5 chapter means the period beginning immediately after a compulsory
6 inspection is completed and a proof of inspection certificate is
7 issued and ending on the subsequent compulsory inspection of that
8 vehicle at which a proof of inspection certificate is issued.

9 (b) For a motor vehicle that is sold in this state after a
10 compulsory inspection at which a proof of inspection certificate is
11 issued, "tax period" for purposes of the tax imposed by this chapter
12 means:

13 (1) with respect to the seller, the period beginning
14 with the completion of the compulsory inspection and issuance of
15 the proof of inspection certificate and ending on the earlier of:

16 (A) the signing by the buyer and seller of the
17 odometer disclosure statement required by Section 501.072,
18 Transportation Code; or

19 (B) the date an application for certificate of
20 title for the vehicle is made; and

21 (2) with respect to the buyer, the period beginning on
22 the earlier of the signing by the buyer and seller of the odometer
23 disclosure statement or the date an application for certificate of
24 title for the vehicle is made and ending on the subsequent
25 compulsory inspection of the vehicle and issuance of a proof of
26 inspection certificate.

1 SUBCHAPTER B. IMPOSITION AND COLLECTION OF TAX

2 Sec. 163.051. TAX IMPOSED ON MILES TRAVELED. A tax is
3 imposed on the number of miles traveled during a tax period by a
4 motor vehicle subject to inspection under Subchapter B or D,
5 Chapter 548, Transportation Code.

6 Sec. 163.052. AMOUNT OF TAX. (a) Except as provided by
7 Subsection (b), the tax imposed by this chapter is equal to the
8 difference between the following, rounded to the nearest whole
9 dollar:

10 (1) the number of miles traveled during the tax period
11 multiplied by the applicable rate according to the following
12 schedule:

13 (A) except as provided by Paragraph (C), for a
14 motor vehicle that weighs 10,000 pounds or less, the rate is one
15 cent per mile;

16 (B) except as provided by Paragraph (C), for a
17 motor vehicle that weighs more than 10,000 pounds, the rate is 1.25
18 cents per mile; and

19 (C) for a motor vehicle that is an electric motor
20 vehicle or has a combined fuel economy estimate of 35 miles per
21 gallon or greater, the rate is 0.75 cents per mile; and

22 (2) the credit representing motor fuels taxes.

23 (b) The comptroller shall determine and specify by rule the
24 minimum amount of tax imposed under this chapter that would exceed
25 the total costs of collecting that amount. The tax imposed by this
26 chapter is considered to be zero if the result of the computation
27 under Subsection (a) is less than the minimum amount specified.

1 (c) For purposes of computing the tax imposed by this
2 chapter, the department shall adopt rules specifying for each year,
3 make, and model of motor vehicle the category described by
4 Subsection (a)(1) in which the vehicle is classified.

5 Sec. 163.053. CREDIT REPRESENTING MOTOR FUELS TAXES:
6 COMPUTATION. (a) For purposes of determining the amount of tax
7 imposed by this chapter under Section 163.052, the credit
8 representing motor fuels taxes is equal to the product of:

9 (1) 0.15; and

10 (2) the number of miles traveled during the tax period
11 divided by the combined fuel economy estimate for the year, make,
12 and model of motor vehicle.

13 (b) The department shall adopt rules specifying the
14 combined fuel economy estimate for each year, make, and model of
15 motor vehicle for purposes of this section.

16 Sec. 163.054. DETERMINATION OF NUMBER OF MILES TRAVELED.

17 (a) The inspection station or inspector conducting a compulsory
18 inspection of a motor vehicle and issuing a proof of inspection
19 certificate shall record the vehicle's odometer reading at the time
20 of the inspection and report that reading to the department in the
21 form and manner specified by department rule.

22 (b) A county assessor-collector who receives an application
23 for certificate of title under Section 501.023, Transportation
24 Code, shall report to the department in the form and manner
25 specified by department rule the odometer reading recorded on the
26 application and any accompanying odometer disclosure statement.

27 (c) Except as provided by Subsection (d), the number of

1 miles traveled by a motor vehicle during a tax period is equal to
2 the difference between the vehicle's odometer reading recorded by
3 the inspection station or inspector conducting a compulsory
4 inspection at the end of the period and the vehicle's odometer
5 reading recorded by the inspection station or inspector conducting
6 a compulsory inspection at the beginning of the period.

7 (d) If a motor vehicle is sold in this state after a
8 compulsory inspection at which a proof of inspection certificate is
9 issued, the number of miles traveled by the vehicle during the tax
10 period is:

11 (1) for the seller, equal to the difference between:

12 (A) the vehicle's odometer reading recorded on
13 the application for certificate of title under Section 501.023,
14 Transportation Code, and any accompanying odometer disclosure
15 statement; and

16 (B) the vehicle's odometer reading recorded by
17 the inspection station or inspector conducting a compulsory
18 inspection at the beginning of the period; and

19 (2) for the buyer, equal to the difference between:

20 (A) the odometer reading recorded at the first
21 compulsory inspection of the vehicle conducted after the date of
22 sale; and

23 (B) the vehicle's odometer reading recorded on
24 the application for certificate of title under Section 501.023,
25 Transportation Code, and any accompanying odometer disclosure
26 statement.

27 Sec. 163.055. PAYMENT OF TAX. (a) The person in whose name

1 a motor vehicle is registered during the applicable tax period
2 shall pay the tax imposed by this chapter.

3 (b) Not later than the 25th day of each month, the
4 department shall compute the amount of tax due from a person liable
5 for the tax using the information reported during the preceding
6 month to the department as required by Section 163.054. The
7 department shall send written notice of the amount of tax due by
8 first class mail to the person liable for the tax at the address for
9 the person as shown, or as previously shown if the person is the
10 former owner of the motor vehicle, in the vehicle registration
11 records of the Texas Department of Motor Vehicles. The Texas
12 Department of Motor Vehicles shall provide to the department the
13 information necessary to implement this subsection.

14 (c) The notice under Subsection (b) must specify:

15 (1) a date set by the comptroller as authorized by
16 Section 111.051 by which the person liable for the tax may pay in a
17 lump sum the amount due, minus the lump sum payment discount
18 authorized by Section 163.056; and

19 (2) the dates by which portions of the amount due must
20 be paid under a monthly payment plan established by comptroller
21 rule, with the final payment due not later than the 30th day before
22 the first day of the month during which the motor vehicle with
23 respect to which the tax is due will be required to undergo a
24 compulsory inspection under Chapter 548, Transportation Code.

25 (d) The person liable for the tax shall send each tax
26 payment to the department.

27 (e) Tax payments not made on or before the dates prescribed

1 by the monthly payment plan under Subsection (c)(2) are considered
2 delinquent.

3 Sec. 163.056. DISCOUNT FOR LUMP SUM PAYMENT. (a) A person
4 who pays the tax under this chapter in a lump sum on or before the
5 date specified in the notice as provided by Section 163.055(c)(1)
6 may subtract a percentage of the amount due as specified by
7 comptroller rule as a lump sum payment discount.

8 (b) The comptroller by rule shall establish the percentage
9 discount applicable under Subsection (a). In determining the
10 amount of the discount, the comptroller shall consider time value
11 of money factors.

12 SUBCHAPTER C. PENALTIES

13 Sec. 163.101. INTEREST ON DELINQUENT TAX. A tax imposed by
14 this chapter that is delinquent draws interest as provided by
15 Section 111.060.

16 Sec. 163.102. PENALTY; DATABASE OF DELINQUENT TAXPAYERS.
17 (a) A person who is liable for the tax imposed by this chapter and
18 who does not pay the tax when due may not receive a proof of
19 inspection certificate under Chapter 548, Transportation Code, for
20 any motor vehicle registered in the person's name.

21 (b) The department shall maintain a database of persons who
22 owe delinquent taxes imposed under this chapter and make that
23 information available to inspection stations and inspectors
24 conducting compulsory inspections. An inspection station or
25 inspector shall, before issuing a proof of inspection certificate
26 following a compulsory inspection of a motor vehicle, determine
27 whether the person in whose name the vehicle is registered owes

1 delinquent taxes imposed under this chapter. The inspection
2 station or inspector may not issue a proof of inspection
3 certificate for a motor vehicle the registered owner of which owes
4 delinquent taxes.

5 SUBCHAPTER D. REMITTANCE AND DISPOSITION OF REVENUE

6 Sec. 163.151. REMITTANCE. Not later than the 25th day of
7 each month, the department shall remit to the comptroller the tax
8 payments received under this chapter during the preceding calendar
9 month.

10 Sec. 163.152. DISPOSITION AND USE OF REVENUE. (a) The
11 comptroller shall establish a road construction account in the
12 state highway fund and shall deposit the revenue from the tax
13 imposed by this chapter to the credit of that account.

14 (b) Money in the road construction account may be
15 appropriated only for the purpose of maintaining public roadways in
16 this state.

17 SECTION 3. Not later than December 31, 2013, the
18 comptroller of public accounts and the Texas Department of
19 Transportation shall adopt rules necessary to implement Chapter
20 163, Tax Code, as added by this Act.

21 SECTION 4. (a) Beginning January 1, 2014:

22 (1) an inspection station or inspector shall begin
23 reporting the information required by Section 163.054(a), Tax Code,
24 as added by this Act, for each compulsory inspection required by
25 Chapter 548, Transportation Code, that is conducted by the
26 inspection station or inspector; and

27 (2) a county assessor-collector shall begin reporting

1 the information required by Section 163.054(b), Tax Code, as added
2 by this Act, for each application for certificate of title under
3 Section 501.023, Transportation Code, the county
4 assessor-collector receives.

5 (b) For purposes of the tax imposed by Chapter 163, Tax
6 Code, as added by this Act, the initial tax period with respect to a
7 motor vehicle begins on the earliest of:

8 (1) the completion of the first compulsory inspection
9 required by Chapter 548, Transportation Code, and issuance of a
10 proof of inspection certificate that occurs on or after January 1,
11 2014;

12 (2) the first signing by the buyer and seller of the
13 motor vehicle of the odometer disclosure statement required by
14 Section 501.072, Transportation Code, that occurs on or after
15 January 1, 2014; or

16 (3) the first application for certificate of title for
17 the motor vehicle that is made on or after January 1, 2014.

18 SECTION 5. This Act takes effect September 1, 2013.