

By: Guillen

H.B. No. 151

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 Interchange Act.

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

CHAPTER 163. TAX EXCHANGE

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) "Motor vehicle" has the meaning assigned by Section 541.201, Transportation Code.

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

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

12 (1) with respect to the seller, the period beginning
13 with the completion of the compulsory inspection and issuance of
14 the passing vehicle inspection report and ending on the earlier of:

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

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

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

26 SUBCHAPTER B. IMPOSITION AND COLLECTION OF TAX

27 Sec. 163.051. TAX IMPOSED ON MILES TRAVELED; EXEMPTION.

1 (a) Except as provided by Subsection (b), a tax is imposed on the
2 number of miles traveled during a tax period by a motor vehicle
3 subject to inspection under Subchapter B or D, Chapter 548,
4 Transportation Code.

5 (b) If the number of miles traveled during a tax period by a
6 motor vehicle described by Subsection (a) is less than 5,000, the
7 miles traveled by that motor vehicle during that tax period are
8 exempt from the tax imposed by this chapter.

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

13 (1) the number of miles traveled during the tax period
14 multiplied by one cent; and

15 (2) the credit representing motor fuels taxes.

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

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

25 (1) 0.15; and

26 (2) the number of miles traveled during the tax period
27 divided by the combined fuel economy estimate for the year, make,

1 and model of the motor vehicle.

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

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

6 (a) The inspection station or inspector conducting a compulsory
7 inspection of a motor vehicle and issuing a passing vehicle
8 inspection report shall record the vehicle's odometer reading at
9 the time of the inspection and report that reading to the department
10 in the form and manner specified by department rule.

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

16 (c) Except as provided by Subsection (d), the number of
17 miles traveled by a motor vehicle during a tax period is equal to
18 the difference between the vehicle's odometer reading recorded by
19 the inspection station or inspector conducting a compulsory
20 inspection at the end of the period and the vehicle's odometer
21 reading recorded by the inspection station or inspector conducting
22 a compulsory inspection at the beginning of the period.

23 (d) If a motor vehicle is sold in this state after a
24 compulsory inspection at which a passing vehicle inspection report
25 is issued, the number of miles traveled by the vehicle during the
26 tax period is:

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

1 (A) the vehicle's odometer reading recorded on
2 the application for certificate of title under Section 501.023,
3 Transportation Code, and any accompanying odometer disclosure
4 statement; and

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

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

9 (A) the odometer reading recorded at the first
10 compulsory inspection of the vehicle conducted after the date of
11 sale; and

12 (B) 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.

16 Sec. 163.055. PAYMENT OF TAX. (a) The person in whose name
17 a motor vehicle is registered during the applicable tax period
18 shall pay the tax imposed by this chapter.

19 (b) Not later than the 25th day of each month, the
20 department shall compute the amount of tax due from a person liable
21 for the tax using the information reported during the preceding
22 month to the department as required by Section 163.054. The
23 department shall send written notice of the amount of tax due by
24 first class mail to the person liable for the tax at the address for
25 the person as shown, or as previously shown if the person is the
26 former owner of the motor vehicle, in the vehicle registration
27 records of the Texas Department of Motor Vehicles. The Texas

1 Department of Motor Vehicles shall provide to the department the
2 information necessary to implement this subsection.

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

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

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

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

16 (e) Tax payments not made on or before the dates prescribed
17 by the monthly payment plan under Subsection (c)(2) are considered
18 delinquent.

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

24 (b) The comptroller by rule shall establish the percentage
25 discount applicable under Subsection (a). In determining the
26 amount of the discount, the comptroller shall consider time value
27 of money factors.

1 SUBCHAPTER C. PENALTIES

2 Sec. 163.101. INTEREST ON DELINQUENT TAX. A tax imposed by
3 this chapter that is delinquent draws interest as provided by
4 Section 111.060.

5 Sec. 163.102. PENALTY; DATABASE OF DELINQUENT TAXPAYERS.

6 (a) A person who is liable for the tax imposed by this chapter and
7 who does not pay the tax when due may not receive a passing vehicle
8 inspection report under Chapter 548, Transportation Code, for any
9 motor vehicle registered in the person's name.

10 (b) The department shall maintain a database of persons who
11 owe delinquent taxes imposed under this chapter and make that
12 information available to inspection stations and inspectors
13 conducting compulsory inspections. An inspection station or
14 inspector shall, before issuing a passing vehicle inspection report
15 following a compulsory inspection of a motor vehicle, determine
16 whether the person in whose name the vehicle is registered owes
17 delinquent taxes imposed under this chapter. The inspection
18 station or inspector may not issue a passing vehicle inspection
19 report for a motor vehicle the registered owner of which owes
20 delinquent taxes.

21 SUBCHAPTER D. REMITTANCE AND DISPOSITION OF REVENUE

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

26 Sec. 163.152. DISPOSITION AND USE OF REVENUE. (a) The
27 comptroller shall establish a road construction account in the

1 state highway fund and shall deposit the revenue from the tax
2 imposed by this chapter to the credit of that account.

3 (b) Money in the road construction account may be
4 appropriated only for the purpose of maintaining public roadways in
5 this state.

6 SECTION 3. Not later than December 31, 2015, the
7 comptroller of public accounts and the Texas Department of
8 Transportation shall adopt rules necessary to implement Chapter
9 163, Tax Code, as added by this Act.

10 SECTION 4. (a) Beginning January 1, 2016:

11 (1) an inspection station or inspector shall begin
12 reporting the information required by Section 163.054(a), Tax Code,
13 as added by this Act, for each compulsory inspection required by
14 Chapter 548, Transportation Code, that is conducted by the
15 inspection station or inspector; and

16 (2) a county assessor-collector shall begin reporting
17 the information required by Section 163.054(b), Tax Code, as added
18 by this Act, for each application for certificate of title under
19 Section 501.023, Transportation Code, the county
20 assessor-collector receives.

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

24 (1) the completion of the first compulsory inspection
25 required by Chapter 548, Transportation Code, and issuance of a
26 passing vehicle inspection report that occurs on or after January
27 1, 2016;

1 (2) the first signing by the buyer and seller of the
2 motor vehicle of the odometer disclosure statement required by
3 Section [501.072](#), Transportation Code, that occurs on or after
4 January 1, 2016; or

5 (3) the first application for certificate of title for
6 the motor vehicle that is made on or after January 1, 2016.

7 SECTION 5. This Act takes effect September 1, 2015.