

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 94

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO TRANSPORTATION AND MOTOR FUEL TAXES; AMENDING
2 SECTION 36-104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;
3 AMENDING SECTION 40-109, IDAHO CODE, TO DEFINE A TERM AND
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-701,
5 IDAHO CODE, TO REVISE THE APPORTIONMENT FROM THE HIGHWAY
6 DISTRIBUTION ACCOUNT AND TO MAKE A TECHNICAL CORRECTION;
7 AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF
8 A NEW SECTION 40-701A, IDAHO CODE, TO PROVIDE FOR THE IDAHO
9 HIGHWAY, BRIDGE AND RAILROAD CROSSING FUND, TO PROVIDE FOR
10 MONEYS CREDITED TO THE FUND, TO PROVIDE FOR INTEREST, TO PROVIDE
11 FOR CONTINUOUS APPROPRIATION, TO PROVIDE FOR APPORTIONMENT OF
12 MONEYS FROM THE FUND AND TO PROVIDE FOR A REPORT; AMENDING
13 SECTION 63-2402, IDAHO CODE, TO REVISE THE TAX UPON MOTOR FUEL
14 AND TO PROVIDE EFFECTIVE DATES; AND AMENDING SECTION 63-2424,
15 IDAHO CODE, TO REVISE CERTAIN FEES RELATING TO VEHICLES POWERED
16 BY GASEOUS FUELS AND TO PROVIDE EFFECTIVE DATES.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to
20 read as follows:

21 36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization –
22 Meetings. The members of the commission shall annually meet at their offices and organize by
23 electing from their membership a chairman, who shall hold office for a period of one (1) year,
24 or until his successor has been duly elected. In addition to the regular annual meeting, to be
25 held in January, said commission shall hold other regular quarterly meetings each year at such
26 places within the state as the commission shall select for the transaction of business. Special
27 meetings may be called at any time and place by the chairman or a majority of the members of
28 the commission. Notice of the time, place and purpose of any and all special meetings shall be
29 given by the secretary to each member of the commission prior to said meeting.

30 (b) Authorization for Commission Powers and Duties. For the purpose of administering
31 the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and
32 empowered to:

- 33 1. Investigate and find facts regarding the status of the state’s wildlife populations in
34 order to give effect to the policy of the state hereinbefore announced.
- 35 2. Hold hearings for the purpose of hearing testimony, considering evidence and
36 determining the facts as to when the supply of any of the wildlife in this state will be
37 injuriously affected by the taking thereof, or for the purpose of determining when an
38 open season may be declared for the taking of wildlife. Whenever said commission

1 determines that the supply of any particular species of wildlife is being, or will be, during
2 any particular period of time, injuriously affected by depletion by permitting the same to
3 be taken, or if it should find a longer or different season, or different bag limit should
4 be adopted for the better protection thereof, or if it finds that an open season may be
5 declared without endangering the supply thereof, then it shall make a rule or proclamation
6 embodying its findings in respect to when, under what circumstances, in which localities,
7 by what means, what sex, and in what amounts and numbers the wildlife of this state may
8 be taken.

9 3. Whenever it finds it necessary for the preservation, protection, or management of any
10 wildlife of this state, by reason of any act of God or any other sudden or unexpected
11 emergency, declare by temporary rule or proclamation the existence of such necessity, and
12 the cause thereof, and prescribe and designate all affected areas or streams, and close
13 the same to hunting, angling or trapping, or impose such restrictions and conditions upon
14 hunting, angling or trapping as said commission shall find to be necessary. Every such
15 temporary rule shall be made in accordance with the provisions of chapter 52, title 67,
16 Idaho Code.

17 4. At any time it shall deem necessary for the proper management of wildlife on any
18 game preserve in the state of Idaho, declare an open season in any game preserve as it
19 deems appropriate.

20 5. (A) Upon notice to the public, hold a public drawing giving to license holders,
21 under the wildlife laws of this state, the privilege of drawing by lot for a controlled
22 hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any
23 species of wild animals or birds designated by the commission under such rules as it shall
24 prescribe.

25 (B) The commission may, under rules or proclamations as it may prescribe,
26 authorize the director to issue additional controlled hunt permits and collect fees
27 therefor authorizing landowners of property valuable for habitat or propagation
28 purposes of deer, elk or antelope, or the landowner's designated agent(s) to hunt
29 deer, elk or antelope in controlled hunts containing the eligible property owned by
30 those landowners in units where any permits for deer, elk or antelope are limited.

31 (C) A nonrefundable fee as specified in section 36-416, Idaho Code, shall be
32 charged each applicant for a controlled hunt permit. Successful applicants for
33 controlled hunt permits shall be charged the fee as specified in section 36-416,
34 Idaho Code. Additionally, a fee may be charged for telephone and credit card
35 orders in accordance with subsection (e)11. of section 36-106, Idaho Code. The
36 department shall include a checkoff form to allow applicants to designate one
37 dollar (\$1.00) of such nonrefundable application fee for transmittal to the reward
38 fund of citizens against poaching, inc., an Idaho nonprofit corporation. The net
39 proceeds from the nonrefundable fee shall be deposited in the fish and game
40 account and none of the net proceeds shall be used to purchase lands.

41 6. Adopt rules pertaining to the importation, exportation, release, sale, possession or
42 transportation into, within or from the state of Idaho of any species of live, native or
43 exotic wildlife or any eggs thereof.

44 7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease,
45 agreement, gift, or other device, lands or waters suitable for the purposes hereinafter
46 enumerated in this paragraph. Whenever the commission proposes to purchase a tract

1 of land in excess of fifteen (15) acres, the commission shall notify the board of county
2 commissioners of the county where this land is located of the intended action. The
3 board of county commissioners shall have ten (10) days after official notification to notify
4 the commission whether or not they desire the commission to hold a public hearing on
5 the intended purchase in the county. The commission shall give serious consideration
6 to all public input received at the public hearing before making a final decision on the
7 proposed acquisition. Following any land purchase, the fish and game commission shall
8 provide, upon request by the board of county commissioners, within one hundred twenty
9 (120) days, a management plan for the area purchased that would address noxious weed
10 control, fencing, water management and other important issues raised during the public
11 hearing. When considering purchasing lands pursuant to this paragraph, the commission
12 shall first make a good faith attempt to obtain a conservation easement, as provided in
13 chapter 21, title 55, Idaho Code, before it may begin proceedings to purchase, condemn
14 or otherwise acquire such lands. If the attempt to acquire a conservation easement is
15 unsuccessful and the commission then purchases, condemns or otherwise acquires the
16 lands, the commission shall record in writing the reasons why the attempt at acquiring
17 the conservation easement was unsuccessful and then file the same in its records and in
18 a report to the joint finance-appropriations committee. The commission shall develop,
19 operate, and maintain the lands, waters or conservation easements for said purposes,
20 which are hereby declared a public use:

21 (A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

22 (B) For game, bird, fish or fur-bearing animal restoration, propagation or
23 protection;

24 (C) For public hunting, fishing or trapping areas to provide places where the
25 public may fish, hunt, or trap in accordance with the provisions of law, or the
26 regulation of the commission;

27 (D) To extend and consolidate by exchange, lands or waters suitable for the above
28 purposes.

29 8. Enter into cooperative agreements with educational institutions, and state, federal, or
30 other agencies to promote wildlife research and to train students for wildlife management.

31 9. Enter into cooperative agreements with state and federal agencies, municipalities,
32 corporations, organized groups of landowners, associations, and individuals for the
33 development of wildlife rearing, propagating, management, protection and demonstration
34 projects.

35 10. In the event owners or lawful possessors of land have restricted the operation of
36 motor-propelled vehicles upon their land, the commission, upon consultation with all
37 other potentially affected landowners, and having held a public hearing, if requested by
38 not less than ten (10) residents of any county in which the land is located, may enter
39 into cooperative agreements with those owners or possessors to enforce those restrictions
40 when the restrictions protect wildlife or wildlife habitat. Provided, however, the
41 commission shall not enter into such agreements for lands which either lie outside or are
42 not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

43 (A) The landowners, with the assistance of the department, shall cause notice
44 of the restrictions, including the effective date thereof, to be posted on the main
45 traveled roads entering the areas to which the restrictions apply. Provided,
46 however, that nothing in this subsection shall allow the unlawful posting of signs

1 or other information on or adjacent to public highways as defined in subsection
2 (~~56~~) of section 40-109, Idaho Code.

3 (B) Nothing in this section authorizes the establishment of any restrictions that
4 impede normal forest or range management operations.

5 (C) No person shall violate such restrictions on the use of motor-propelled
6 vehicles or tear down or lay down any fencing or gates enclosing such a restricted
7 area or remove, mutilate, damage or destroy any notices, signs or markers giving
8 notice of such restrictions. The commission may promulgate rules to administer
9 the restrictions and cooperative agreements addressed in this subsection.

10 11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for
11 propagation or stocking purposes, or to exercise control of undesirable species.

12 12. Adopt rules pertaining to the application for, issuance of and administration of a
13 lifetime license certificate system.

14 13. Adopt rules governing the application and issuance of permits for and administration
15 of fishing contests on waters under the jurisdiction of the state. The fee for each permit
16 shall be as provided for in section 36-416, Idaho Code.

17 14. Adopt rules governing the application for and issuance of licenses by telephone and
18 other electronic methods.

19 15. Enter into agreements with cities, counties, recreation districts or other political
20 subdivisions for the lease of lands or waters, in accordance with all other applicable
21 laws, including applicable provisions of titles 42 and 43, Idaho Code, to cost-effectively
22 provide recreational opportunities for taxpayers or residents of those local governments
23 or political subdivisions.

24 (c) Limitation on Powers. Nothing in this title shall be construed to authorize the
25 commission to change any penalty prescribed by law for a violation of its provisions, or to
26 change the amount of license fees or the authority conferred by licenses prescribed by law.

27 (d) Organization of Work. The commission shall organize the department, in accordance
28 with the provisions of title 67, Idaho Code, into administrative units as may be necessary to
29 efficiently administer said department. All employees of the department except the director
30 shall be selected and appointed by the director in conformance with the provisions of chapter
31 53, title 67, Idaho Code.

32 SECTION 2. That Section 40-109, Idaho Code, be, and the same is hereby amended to
33 read as follows:

34 40-109. DEFINITIONS – H. (1) "Highway district system" means all public highways
35 within each highway district, except those included within the state highway system, those
36 under another state agency, those included within city highway systems of incorporated cities
37 with a functioning street department, and those under federal control.

38 (2) "Highway system, county." (See "County highway system," section 40-104, Idaho
39 Code)

40 (3) "Highway system, state." (See "State highway system," section 40-120, Idaho Code)

41 (4) "Highway system operations and maintenance" means the following activities
42 conducted in connection with a highway system: highway repair, plowing, sanding, sweeping,
43 guardrail, shoulders, fencing, vegetation control, traffic management, signalization, lighting,
44 pavement marking, maintenance facilities, bridge inspection and repair, emergency event
45 response and highway condition information.

1 (5) "Highway users' fund bonds" means those bonds issued for and on behalf of
2 dissolved city highway systems or highway districts, and the funds out of which those bonds
3 are repayable shall be the moneys received or provided by section 40-707, Idaho Code.

4 (56) "Highways" means roads, streets, alleys and bridges laid out or established for the
5 public or dedicated or abandoned to the public. Highways shall include necessary culverts,
6 sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade
7 separation structures, roadside improvements, adjacent lands or interests lawfully acquired,
8 pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or
9 improvement of the highways. Roads laid out and recorded as highways, by order of a board
10 of commissioners, and all roads used as such for a period of five (5) years, provided they shall
11 have been worked and kept up at the expense of the public, or located and recorded by order of
12 a board of commissioners, are highways.

13 SECTION 3. That Section 40-701, Idaho Code, be, and the same is hereby amended to
14 read as follows:

15 40-701. HIGHWAY DISTRIBUTION ACCOUNT – APPORTIONMENT. (1) There is
16 established in the state treasury an account known as the "Highway Distribution Account," to
17 which shall be credited:

18 (a) Moneys as provided by sections 63-2412(1)(e)4. and 63-2418(3), Idaho Code;

19 (b) All moneys collected by the department, their agents and vendors, and county
20 assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise
21 specifically provided for; and

22 (c) All other moneys as may be provided by law.

23 (2) The highway distribution account shall be apportioned as follows:

24 (a) An amount equivalent to the increase in motor fuel tax exceeding twenty-five cents
25 (25¢) per gallon shall be deposited to the Idaho highway, bridge and railroad crossing
26 fund created in section 40-701A, Idaho Code, and the remainder shall be distributed as
27 follows:

28 **(b)** Thirty-eight percent (38%) to local units of government as provided in section
29 40-709, Idaho Code;

30 **(bc)** Fifty-seven percent (57%) to the state highway account established in section
31 40-702, Idaho Code; and

32 **(ed)** Five percent (5%) to the law enforcement ~~account~~ fund, established in section
33 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys
34 apportioned to local units of government not later than January 25, April 25, July 25
35 and October 25 of each year, and to the state highway account and the law enforcement
36 ~~account~~ fund as the moneys become available to the highway distribution account.

37 (3) Interest earned on the investment of idle moneys in the highway distribution account
38 shall be paid to the highway distribution account.

39 (4) All idle moneys in the dedicated highway trust or asset accounts or subaccounts
40 established from highway user revenues, reimbursements, fees or permits shall be invested by
41 the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with
42 respect to other surplus or idle moneys in the state treasury. Interest earned on the investments
43 shall be returned to the various highway trust or asset accounts and subaccounts.

1 SECTION 4. That Chapter 7, Title 40, Idaho Code, be, and the same is hereby amended
 2 by the addition thereto of a NEW SECTION, to be known and designated as Section 40-701A,
 3 Idaho Code, and to read as follows:

4 40-701A. IDAHO HIGHWAY, BRIDGE AND RAILROAD CROSSING FUND. (1)
 5 In order to ensure that authorized increases in highway user taxes and fees are expended
 6 exclusively on the construction, maintenance and operations of the highway system, including
 7 highways, bridges and railroad crossings, there is established in the state treasury the “Idaho
 8 Highway, Bridge and Railroad Crossing Fund” hereinafter referred to as the highway and
 9 bridge fund, to which shall be credited:

10 (a) Moneys as provided by sections 49-402(1), 49-432, 49-434, 40-701(2)(a) and
 11 63-4603, Idaho Code; and

12 (b) All other moneys as may be provided by law; and

13 (c) Interest earned on the investment of idle moneys in the highway and bridge fund shall
 14 be credited to the highway and bridge fund. All moneys in the fund shall be continuously
 15 appropriated to the department.

16 (2) Moneys in the highway and bridge fund shall be apportioned as follows:

17 (a) Thirty-eight percent (38%) to local units of government as provided in section
 18 40-709, Idaho Code; and

19 (b) Sixty-two percent (62%) to remain in the highway and bridge fund created under this
 20 section.

21 (3) Annually, the Idaho transportation department will provide a report to the governor
 22 and the legislature detailing how moneys from the highway and bridge fund are being expended
 23 efficiently and also how performance measures are resulting in savings to the state of Idaho.

24 SECTION 5. That Section 63-2402, Idaho Code, be, and the same is hereby amended to
 25 read as follows:

26 63-2402. IMPOSITION OF TAX UPON MOTOR FUEL. (1) A tax is hereby imposed
 27 upon the distributor who receives motor fuel in this state. The legal incidence of the tax
 28 imposed under this section is borne by the distributor. The tax becomes due and payable upon
 29 receipt of the motor fuel in this state by the distributor unless such tax liability has previously
 30 accrued to another distributor pursuant to this section. The tax shall be imposed without regard
 31 to whether use is on a governmental basis or otherwise, unless exempted by this chapter.

32 (2) The tax imposed in this section shall be at the rate of twenty-~~five~~seven cents (~~25~~27¢)
 33 per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and
 34 refunds set forth in this chapter.

35 (3) The tax imposed in this section shall be at the rate of twenty-nine cents (29¢) per
 36 gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and
 37 refunds set forth in this chapter.

38 (4) The tax imposed in this section shall be at the rate of thirty-one cents (31¢) per
 39 gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and
 40 refunds set forth in this chapter.

41 (5) The tax imposed in this section shall be at the rate of thirty-three cents (33¢) per
 42 gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and
 43 refunds set forth in this chapter.

1 (6) The tax imposed in this section shall be at the rate of thirty-five cents (35¢) per
 2 gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and
 3 refunds set forth in this chapter.

4 (7) Subsection (2) of this section shall be in full force and effect on and after April 1,
 5 2009, through March 31, 2010.

6 (8) Subsection (3) of this section shall be in full force and effect on and after April 1,
 7 2010, through March 31, 2011.

8 (9) Subsection (4) of this section shall be in full force and effect on and after April 1,
 9 2011, through March 31, 2012.

10 (10) Subsection (5) of this section shall be in full force and effect on and after April 1,
 11 2012, through March 31, 2013.

12 (11) Subsection (6) of this section shall be in full force and effect on and after April 1,
 13 2013.

14 (12) Nothing in this chapter shall prohibit the distributor who is liable for payment of
 15 the tax imposed under subsection (1) of this section from including as part of the selling price
 16 an amount equal to such tax on motor fuels sold or delivered by such distributor; provided
 17 however, that nothing in this chapter shall be deemed to impose tax liability on any person to
 18 whom such fuel is sold or delivered except as provided in subsection (~~6~~15) of this section.

19 (4)13) Any person coming into this state in a motor vehicle may transport in the
 20 manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30)
 21 gallons of motor fuel for the purpose of operating that motor vehicle, without complying with
 22 the provisions of this chapter.

23 (~~5~~14) The tax imposed in this section does not apply to:

24 (a) Special fuels that have been dyed at a refinery or terminal under the provisions of
 25 26 U.S.C. section 4082 and regulations adopted thereunder, or under the clean air act and
 26 regulations adopted thereunder except as provided in section 63-2425, Idaho Code; or

27 (b) Special fuel dispensed into a motor vehicle which uses gaseous special fuels and
 28 which displays a valid gaseous special fuels permit under section 63-2424, Idaho Code; or

29 (c) Special fuels that are gaseous special fuels, as defined in section 63-2401, Idaho
 30 Code, except that part thereof that is delivered into the fuel supply tank or tanks of a
 31 motor vehicle; or

32 (d) Aircraft engine fuel subject to tax under section 63-2408, Idaho Code.

33 (~~6~~15) Should the distributor of first receipt be exempt from imposition of the tax as a
 34 matter of federal law, by virtue of its status as a federally-recognized Indian tribe or member
 35 of such tribe, such distributor shall not bear the tax's legal incidence and must pass the tax
 36 through as part of the selling price of the fuel. Such distributor shall retain the administrative
 37 obligation to remit the tax, and such obligation shall accrue upon receipt in accordance with
 38 subsection (1) of this section. Should a retailer otherwise subject to the tax be exempt from
 39 imposition of the tax as a matter of federal law, by virtue of its status as a federally-recognized
 40 Indian tribe or member of such tribe, the retailer shall not bear the tax's legal incidence and
 41 must pass the tax through as part of the selling price of the fuel to the consumer, unless such
 42 consumer is exempt from imposition of the tax as a matter of federal law, by virtue of its
 43 status as a federally-recognized Indian tribe or membership in such tribe, and the retailer shall
 44 be entitled to claim a credit against taxes otherwise due and owing under this chapter or a tax
 45 refund, together with interest, attributable to the fuel purchased by such consumer.

SECTION 6. That Section 63-2424, Idaho Code, be, and the same is hereby amended to read as follows:

63-2424. GASEOUS FUELS. (1) In the case of special fuels which are in a gaseous form, the commission shall provide by rule the method to be used for converting the measurement of the fuel to the equivalent of gallons for the purpose of applying tax rates. The method provided shall cause the tax rate provided in section 63-2402, Idaho Code, to apply to an amount of gaseous fuels having energy equal to one (1) gallon of gasoline.

(2) As an alternative to the provisions of subsection (1) of this section, an annual fee in lieu of the excise tax may be collected on a vehicle powered by gaseous fuels. The rate of the fee shall be based on the following schedule for all types of gaseous fuels as adjusted by the formula for proration set out below. The permits shall be sold by gaseous fuels vendors dispensing gaseous fuels into motor vehicles.

VEHICLE TONNAGE (GVW)	FEE
0 — 8,000	\$ 60.00
8,001 — 16,000	\$ 89.00
16,001 — 26,000	\$179.00
26,001 and above	\$208.00
<u>VEHICLE TONNAGE (GVW)</u>	<u>FEE</u>
<u>0 — 8,000</u>	<u>\$ 80.00</u>
<u>8,001 — 16,000</u>	<u>\$110.00</u>
<u>16,001 — 26,000</u>	<u>\$230.00</u>
<u>26,001 and above</u>	<u>\$270.00</u>

Permits for vehicles which are converted to gaseous fuels after the first of July in any year shall have the fee prorated for the appropriate number of months until renewal. The commission shall provide by rule the method to be used for converting the measurement of fuel to the equivalent of gallons for the purpose of applying increases in tax rates after this law becomes effective. A decal issued by the commission shall be displayed in any vehicle for which a permit is issued hereunder as evidence that the annual fee has been paid in lieu of the fuel tax. This decal shall be displayed in a conspicuous place.

(3) As an alternative to the provisions of subsection (1) of this section, an annual fee in lieu of the excise tax may be collected on a vehicle powered by gaseous fuels. The rate of the fee shall be based on the following schedule for all types of gaseous fuels as adjusted by the formula for proration set out below. The permits shall be sold by gaseous fuels vendors dispensing gaseous fuels into motor vehicles.

<u>VEHICLE TONNAGE (GVW)</u>	<u>FEE</u>
<u>0 — 8,000</u>	<u>\$ 90.00</u>
<u>8,001 — 16,000</u>	<u>\$120.00</u>
<u>16,001 — 26,000</u>	<u>\$250.00</u>
<u>26,001 and above</u>	<u>\$290.00</u>

Permits for vehicles which are converted to gaseous fuels after the first of July in any year shall have the fee prorated for the appropriate number of months until renewal. The commission shall provide by rule the method to be used for converting the measurement of fuel to the

1 equivalent of gallons for the purpose of applying increases in tax rates after this law becomes
 2 effective. A decal issued by the commission shall be displayed in any vehicle for which a
 3 permit is issued hereunder as evidence that the annual fee has been paid in lieu of the fuel tax.
 4 This decal shall be displayed in a conspicuous place.

5 (4) As an alternative to the provisions of subsection (1) of this section, an annual fee in
 6 lieu of the excise tax may be collected on a vehicle powered by gaseous fuels. The rate of
 7 the fee shall be based on the following schedule for all types of gaseous fuels as adjusted by
 8 the formula for proration set out below. The permits shall be sold by gaseous fuels vendors
 9 dispensing gaseous fuels into motor vehicles.

<u>VEHICLE TONNAGE (GVW)</u>	<u>FEE</u>
<u>0 – 8,000</u>	<u>\$100.00</u>
<u>8,001 – 16,000</u>	<u>\$130.00</u>
<u>16,001 – 26,000</u>	<u>\$270.00</u>
<u>26,001 and above</u>	<u>\$310.00</u>

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 15 Permits for vehicles which are converted to gaseous fuels after the first of July in any year shall
 16 have the fee prorated for the appropriate number of months until renewal. The commission
 17 shall provide by rule the method to be used for converting the measurement of fuel to the
 18 equivalent of gallons for the purpose of applying increases in tax rates after this law becomes
 19 effective. A decal issued by the commission shall be displayed in any vehicle for which a
 20 permit is issued hereunder as evidence that the annual fee has been paid in lieu of the fuel tax.
 21 This decal shall be displayed in a conspicuous place.

22 (5) As an alternative to the provisions of subsection (1) of this section, an annual fee in
 23 lieu of the excise tax may be collected on a vehicle powered by gaseous fuels. The rate of
 24 the fee shall be based on the following schedule for all types of gaseous fuels as adjusted by
 25 the formula for proration set out below. The permits shall be sold by gaseous fuels vendors
 26 dispensing gaseous fuels into motor vehicles.

<u>VEHICLE TONNAGE (GVW)</u>	<u>FEE</u>
<u>0 – 8,000</u>	<u>\$110.00</u>
<u>8,001 – 16,000</u>	<u>\$140.00</u>
<u>16,001 – 26,000</u>	<u>\$290.00</u>
<u>26,001 and above</u>	<u>\$330.00</u>

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 32 Permits for vehicles which are converted to gaseous fuels after the first of July in any year shall
 33 have the fee prorated for the appropriate number of months until renewal. The commission
 34 shall provide by rule the method to be used for converting the measurement of fuel to the
 35 equivalent of gallons for the purpose of applying increases in tax rates after this law becomes
 36 effective. A decal issued by the commission shall be displayed in any vehicle for which a
 37 permit is issued hereunder as evidence that the annual fee has been paid in lieu of the fuel tax.
 38 This decal shall be displayed in a conspicuous place.

39 (6) As an alternative to the provisions of subsection (1) of this section, an annual fee in
 40 lieu of the excise tax may be collected on a vehicle powered by gaseous fuels. The rate of
 41 the fee shall be based on the following schedule for all types of gaseous fuels as adjusted by

1 the formula for proration set out below. The permits shall be sold by gaseous fuels vendors
 2 dispensing gaseous fuels into motor vehicles.

3 <u>VEHICLE TONNAGE (GVW)</u>	<u>FEE</u>
4 <u>0 – 8,000</u>	<u>\$120.00</u>
5 <u>8,001 – 16,000</u>	<u>\$150.00</u>
6 <u>16,001 – 26,000</u>	<u>\$310.00</u>
7 <u>26,001 and above</u>	<u>\$350.00</u>

8 Permits for vehicles which are converted to gaseous fuels after the first of July in any year shall
 9 have the fee prorated for the appropriate number of months until renewal. The commission
 10 shall provide by rule the method to be used for converting the measurement of fuel to the
 11 equivalent of gallons for the purpose of applying increases in tax rates after this law becomes
 12 effective. A decal issued by the commission shall be displayed in any vehicle for which a
 13 permit is issued hereunder as evidence that the annual fee has been paid in lieu of the fuel tax.
 14 This decal shall be displayed in a conspicuous place.

15 (7) Subsection (2) of this section shall be in full force and effect on and after April 1,
 16 2009, through March 31, 2010.

17 (8) Subsection (3) of this section shall be in full force and effect on and after April 1,
 18 2010, through March 31, 2011.

19 (9) Subsection (4) of this section shall be in full force and effect on and after April 1,
 20 2011, through March 31, 2012.

21 (10) Subsection (5) of this section shall be in full force and effect on and after April 1,
 22 2012, through March 31, 2013.

23 (11) Subsection (6) of this section shall be in full force and effect on and after April 1,
 24 2013.