

86 LSO - 0438

**HOUSE BILL 0203**

AN ACT to amend W.S. 39-6-901(a)(ii), (iii) and (xi) through (xiii), 39-6-904(f) and (g), 39-6-909(a) introductory paragraph and (iv) and by creating new subsections (c) and (d), 39-6-910(c) by creating a new paragraph (ii) and renumbering paragraph (ii) as (iii) and 39-6-913(a), (c) and (e) relating to special fuels; imposing a tax on special fuels used, sold or distributed in the state for use in propelling railroad locomotives; establishing the effective tax rate at five cents per gallon; providing that revenues shall be used for construction, repair and maintenance of highway railroad crossings; conforming existing language; granting rulemaking authority; and providing for an effective date.

Produced by: Laurie E. Spaulding by Dix  
Withdrawn on Request of Sponsor

[illegible]

**CONTINUED ON BACK**

House of Intro				Second House			
To Com. No. _____				To Com No. _____			
_____	Stand Report	Do _____	Amd _____ Not _____	_____	Stand Report	Do _____	Amd _____ Not _____
_____	Com Whole	Do _____	Amd _____ Not _____	_____	Com Whole	Do _____	Amd _____ Not _____
_____	2nd Reading	Amd _____		_____	2nd Reading	Amd _____	
_____	3rd Reading	Amd _____	Pass _____ Fail _____	_____	3rd Reading	Amd _____	Pass _____ Fail _____

1986

STATE OF WYOMING

86LSO-0438.01

HOUSE BILL NO. 0203

Diesel tax on railroads.

Sponsored by: Representative(s) TYSDAL and Senator(s) DIXON

# A BILL

for

1 AN ACT to amend W.S. 39-6-901(a)(ii), (iii) and (xi)  
2 through (xiii), 39-6-904(f) and (g), 39-6-909(a) introduc-  
3 tory paragraph and (iv) and by creating new subsections  
4 (c) and (d), 39-6-910(c) by creating a new paragraph (ii)  
5 and renumbering paragraph (ii) as (iii) and 39-6-913(a),  
6 (c) and (e) relating to special fuels; imposing a tax on  
7 special fuels used, sold or distributed in the state for  
8 use in propelling railroad locomotives; establishing the  
9 effective tax rate at five cents per gallon; providing  
10 that revenues shall be used for construction, repair and  
11 maintenance of highway railroad crossings; conforming

1 existing language; granting rulemaking authority; and pro-  
2 viding for an effective date.

3 Be It Enacted by the Legislature of the State of Wyoming:

4 Section 1. W.S. 39-6-901(a)(ii), (iii) and (xi)  
5 through (xiii), 39-6-904(f) and (g), 39-6-909(a) introduc-  
6 tory paragraph and (iv) and by creating new subsections  
7 (c) and (d), 39-6-910(c) by creating a new paragraph (ii)  
8 and renumbering paragraph (ii) as (iii) and 39-6-913(a),  
9 (c) and (e) are amended to read:

10 39-6-901. Definitions.

11 (a) As used in this act:

12 (ii) "Bulk fuel user" means any person pur-  
13 chasing special fuel delivered into bulk storage for sub-  
14 sequent use in a motor vehicle OR RAILROAD LOCOMOTIVE  
15 without payment of the special fuel tax;

16 (iii) "Bulk storage" means two thousand  
17 (2,000) gallons or more of special fuel purchased and  
18 delivered at one (1) time, excluding special fuel deliv-  
19 ered into the attached motor fuel tanks or auxiliary tanks  
20 of a licensed motor vehicle OR RAILROAD LOCOMOTIVE;

21 (xi) "Special fuels" means all combustible

1 gasses and liquids which may be used to operate or propel  
2 a motor vehicle upon the highways OR A RAILROAD  
3 LOCOMOTIVE, including tractor fuel, diesel fuel, distil-  
4 late, naphtha, kerosene, methane, ethane, propane, butane  
5 or liquified gas, hydrogen, but excluding gasoline and  
6 gasohol;

7 (xii) "Use" means the consumption of fuel in  
8 the propulsion of a motor vehicle upon a highway OR IN THE  
9 PROPULSION OF A RAILROAD LOCOMOTIVE and includes the  
10 reception of special fuel into any tank on a motor vehi-  
11 cle;

12 (xiii) "User" means any person who uses spe-  
13 cial fuel within this state in an internal combustion  
14 engine for the generation of power to propel a motor vehi-  
15 cle upon a highway OR TO PROPEL A RAILROAD LOCOMOTIVE;

16 39-6-904. Reports required; payment of taxes.

17 (f) A wholesaler's license authorizes a person to  
18 deliver previously untaxed special fuel into the fuel sup-  
19 ply tanks of motor vehicles AND RAILROAD LOCOMOTIVES, col-  
20 lect the special fuel tax on behalf of the state at the  
21 time of delivery, and remit the taxes collected to the  
22 state as provided in this act. A licensed wholesaler may

1     also deliver untaxed special fuel into bulk storage facil-  
2     ities of a licensed bulk fuel user without collecting the  
3     special fuel tax. Wholesalers when making deliveries of  
4     special fuel into bulk storage to any person not holding a  
5     valid wholesaler's or bulk fuel user's license shall col-  
6     lect the special fuel tax at time of delivery, unless the  
7     person to whom the delivery is made is specifically  
8     exempted from the tax as provided in this act.

9           (g) A bulk fuel user's license authorizes a person  
10    to purchase special fuel for bulk storage for use in motor  
11    vehicles either on or off the highways of this state OR  
12    FOR USE IN RAILROAD LOCOMOTIVES without payment of the  
13    special fuel tax at time of purchase. Holders of bulk  
14    fuel user's licenses are all subject to the bonding,  
15    reporting, tax payment and record-keeping provisions of  
16    this chapter. All purchases of special fuel by a licensed  
17    bulk fuel user directly into the fuel supply tank of a  
18    motor vehicle OR A RAILROAD LOCOMOTIVE are subject to the  
19    special fuel tax at time of purchase.

20           39-6-909. Special fuels license tax imposed; excep-  
21    tions; credit.

22           (a) There is levied and shall be collected a license  
23    tax of eight cents (\$0.08) per gallon on all special fuels

1     used, sold or distributed for sale or use in this state  
2     for the generation of power to propel a motor vehicle upon  
3     the highway OR TO PROPEL A RAILROAD LOCOMOTIVE except:

4             (iv) Special fuels sold by a wholesaler and  
5     used as heating fuel or to a person engaged in agricul-  
6     tural operations, mining operations, manufacturing, proc-  
7     essing, drilling, exploration or well servicing, OR high-  
8     way construction ~~or-railroad-operations~~ when the fuel is  
9     consumed directly in agricultural operations, mining oper-  
10    ations, manufacturing, processing, drilling, exploration  
11    or well servicing, OR highway construction. ~~or--railroad~~  
12    ~~operations-are-exempt-from-the-license-tax-but~~ PERSONS WHO  
13    PURCHASE SPECIAL FUEL WHICH IS EXEMPT UNDER THIS PARAGRAPH  
14    shall comply with license and reporting requirements of  
15    this act.

16            (c) THE DEPARTMENT SHALL PROMULGATE RULES FOR COM-  
17    PUTING THE AMOUNT OF SPECIAL FUEL CONSUMED IN RAILROAD  
18    LOCOMOTIVES.

19            (d) THE DEPARTMENT SHALL REFUND OR GRANT AS A CREDIT  
20    AT THE TIME OF COLLECTION THREE CENTS (\$0.03) PER GALLON  
21    OF SPECIAL FUEL USED, SOLD OR DISTRIBUTED FOR SALE OR USE  
22    IN THIS STATE FOR THE GENERATION OF POWER TO PROPEL RAIL-  
23    ROAD LOCOMOTIVES.

1           39-6-910. Distribution of special fuels license  
2           taxes.

3           (c) The state treasurer shall:

4                   (ii) CREDIT AN AMOUNT EQUAL TO THE REVENUE  
5 RECEIVED FROM THE TAX UNDER THIS ACT ON FUEL RECEIVED OR  
6 USED TO PROPEL RAILROAD LOCOMOTIVES TO AN ACCOUNT IN THE  
7 STATE HIGHWAY FUND TO BE USED FOR CONSTRUCTION, REPAIR AND  
8 MAINTENANCE OF HIGHWAY RAILROAD CROSSINGS WITHIN THE  
9 STATE.

10                   ~~(ii)~~(iii) Distribute monthly the remainder as  
11 follows:

12           39-6-913. Special fuel user license; application;  
13           bonding; cab cards; reports; payment of taxes.

14           (a) No person shall act as a user with respect to a  
15 commercial vehicle operated in Wyoming and other jurisdic-  
16 tions OR A RAILROAD LOCOMOTIVE unless the person has a  
17 valid wholesaler's license, bulk fuel user's license, spe-  
18 cial fuels user license or a single trip permit under W.S.  
19 37-8-403.

20           (c) The department shall provide special fuel user  
21 licensees with cab cards, decals or other means of identi-

1     fying vehicles, EXCEPT RAILROAD LOCOMOTIVES, as being  
2     operated by a licensee under this section. The department  
3     shall promulgate rules and regulations to implement this  
4     section.

5           (e) On or before the last day of the calendar month  
6     following each calendar quarter, each licensed special  
7     fuel user shall file on forms prescribed by the department  
8     a report, signed by the user, indicating the total number  
9     of miles traveled in all jurisdictions by the user's vehi-  
10    cles subject to the tax under this section, the total num-  
11    ber of miles traveled by those vehicles in this state, the  
12    amount of special fuel used by those vehicles in all  
13    jurisdictions, the amount of tax under this act paid dur-  
14    ing the calendar quarter and any other information  
15    required by the department to compute the licensee's tax  
16    liability. A SPECIAL FUEL USER WITH RESPECT TO RAILROAD  
17    LOCOMOTIVES IS NOT REQUIRED TO FILE A REPORT CONTAINING  
18    MILEAGE TRAVELED BY LOCOMOTIVES. THE DEPARTMENT SHALL PRE-  
19    SCRIBE FORMS AND PROMULGATE RULES TO ENSURE THE REPORT  
20    CONTAINS THE AMOUNT OF FUEL CONSUMED BY LOCOMOTIVES IN  
21    THIS STATE. The licensee shall pay all taxes due under  
22    this act at the time the report is filed. If the tax on  
23    special fuel imported into this state in the fuel supply  
24    tanks of motor vehicles for taxable use on Wyoming high-

1     ways can be more accurately determined on a mileage basis  
2     the department may approve and adopt that basis.

3             Section 2. This act is effective July 1, 1986.

4                             (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
_____	_____	_____
_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____
=====		
<u>Anticipated COST to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
_____	_____	_____
_____	_____	_____
TOTAL ESTIMATED COST	_____	_____
=====		

1. A spokesman for the Department of Revenue and Taxation said they could not estimate potential fiscal impact.
2. No apparent personnel impact.