

REFERENCE TITLE: motor vehicle fuel taxes

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HCR 2011

Introduced by
Representative Campbell: Senator Otondo

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO MOTOR VEHICLE FUEL TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to motor vehicle fuel taxes, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTION 28-5606, ARIZONA REVISED STATUTES; RELATING
9 TO MOTOR FUEL TAXES.

10 Be it enacted by the Legislature of the State of Arizona:

11 Section 1. Section 28-5606, Arizona Revised Statutes,
12 is amended to read:

13 28-5606. Imposition of motor fuel taxes

14 A. In addition to all other taxes provided by law, a
15 tax of ~~eighteen~~ TWENTY-EIGHT cents per gallon is imposed on
16 motor vehicle fuel possessed, used or consumed in this state.
17 NOTWITHSTANDING SECTION 28-6533, SUBSECTION B, TEN CENTS PER
18 GALLON OF THE TAX IMPOSED BY THIS SUBSECTION SHALL BE SPENT
19 ONLY FOR THE CONSTRUCTION OR MAINTENANCE OF TRANSPORTATION
20 INFRASTRUCTURE AS PRESCRIBED IN ARTICLE IX, SECTION 14,
21 CONSTITUTION OF ARIZONA.

22 B. To partially compensate this state for the use of
23 its highways:

24 1. A use fuel tax is imposed on use fuel used in the
25 propulsion of a light class motor vehicle on a highway in this
26 state at the same rate per gallon as the motor vehicle fuel
27 tax prescribed in subsection A of this section, except that
28 there is no use fuel tax on alternative fuels.

29 2. A use fuel tax is imposed on use fuel used in the
30 propulsion of a use class motor vehicle on a highway in this
31 state at the rate of twenty-six cents for each gallon, except
32 that there is no use fuel tax on alternative fuels and use
33 class vehicles that are exempt pursuant to section 28-5432
34 from the weight fee prescribed in section 28-5433 are subject
35 to the use fuel tax imposed by paragraph 1 of this subsection.

36 3. Through December 31, 2024, a use fuel tax is imposed
37 on use fuel used in the propulsion of a motor vehicle
38 transporting forest products in compliance with the
39 requirements of section 41-1516 on a highway in this state at
40 the rate of nine cents for each gallon, except that there is
41 no use fuel tax on alternative fuels.

42 C. The motor vehicle fuel and use fuel taxes imposed
43 pursuant to this section and the aviation fuel taxes imposed
44 pursuant to section 28-8344 are conclusively presumed to be
45 direct taxes on the consumer or user but shall be collected

1 and remitted to the department by suppliers for the purpose of
2 convenience and facility only. Motor vehicle fuel, use fuel
3 and aviation fuel taxes that are collected and paid to the
4 department by a supplier are considered to be advance
5 payments, shall be added to the price of motor vehicle fuel,
6 use fuel or aviation fuel and shall be recovered from the
7 consumer or user.

8 D. Motor vehicle fuel and use fuel taxes imposed
9 pursuant to this section on the use of motor vehicle fuel and
10 use fuel and the aviation fuel taxes imposed pursuant to
11 section 28-8344 on the use of aviation fuel, other than by
12 bulk transfer, arise at the time the motor vehicle, use or
13 aviation fuel either:

14 1. Is imported into this state and is measured by
15 invoiced gallons received outside this state at a refinery,
16 terminal or bulk plant for delivery to a destination in this
17 state.

18 2. Is removed, as measured by invoiced gallons, from
19 the bulk transfer terminal system or from a qualified terminal
20 in this state.

21 3. Is removed, as measured by invoiced gallons, from
22 the bulk transfer terminal system or from a qualified terminal
23 or refinery outside this state for delivery to a destination
24 in this state as represented on the shipping papers if a
25 supplier imports the motor vehicle, use or aviation fuel for
26 the account of the supplier or the supplier has made a tax
27 precollection election pursuant to section 28-5636.

28 E. If motor fuel is removed from the bulk transfer
29 terminal system or from a qualified terminal or is imported
30 into this state, the original removal, transfer or importation
31 of the motor fuel is subject to the collection of the tax. If
32 this motor fuel is transported to another qualified terminal
33 or reenters the bulk transfer terminal system, the subsequent
34 sale of the motor fuel on which tax has been collected is not
35 subject to collection of an additional tax if proper
36 documentation is retained to support the transaction.

37 2. The Secretary of State shall submit this proposition to the
38 voters at the next general election as provided by article IV, part 1,
39 section 1, Constitution of Arizona.