STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1450 By: Smith (Dale)

AS INTRODUCED

An Act relating to revenue and taxation; amending 68 O.S. 1991, Sections 502.4 and 502.5, which relate to motor fuel taxes; modifying apportionment of certain portion of gasoline and diesel fuel excise taxes; amending 68 O.S. 1991, Sections 604.4 and 604.5, which relate to excise tax on imported gasoline and diesel fuel; modifying apportionment of certain portion of imported gasoline and diesel fuel taxes; amending 68 O.S. 1991, Section 707.2, which relates to the special fuel use tax; modifying apportionment of certain portion of special fuel tax; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 502.4, is amended to read as follows:

Section 502.4 A. There is hereby levied an excise tax of one cent ($0.01) upon the sale of every gallon of gasoline sold, or stored and distributed, or withdrawn from storage within the state, for sale or use, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the sale or use of gasoline within this state.

The basis for computation of the amount due shall be ninety-seven and one-half percent (97.5%) of the net gallonage reported to the Tax Commission for taxation, after all deductions allowed by law have been made.

B. Gasoline used exclusively by the United States and gasoline which is exempt from tax pursuant to the provisions of Sections 507, 508, 509 and 527 of ~~Title 68 of the Oklahoma Statutes~~ this title shall be exempt from the tax levied pursuant to the provisions of this section.

C. The additional excise tax of one cent ($0.01) per gallon of gasoline levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned as follows: one-half cent ($0.005) shall be deposited in the County Road Improvement Revolving Fund of the State Treasury to be used for the purposes set forth in the County Road Improvement Act; and one-half cent ($0.005) shall be transmitted by the Tax Commission to the various counties of the state pursuant to the provisions of subparagraphs (1) and (2) of paragraph (d) of Section 504 of this title.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 502.5, is amended to read as follows:

Section 502.5 A. There is hereby levied an excise tax of one cent ($0.01) upon the sale of each gallon of diesel fuel sold, or stored and distributed, or withdrawn from storage, within the state, for sale or use, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the sale or use of diesel fuel within this state. The basis for computation of the amount due shall be ninety-seven and one-half percent (97.5%) of the net gallonage reported to the Tax Commission for taxation, after all deductions allowed by law have been made.

B. Diesel fuel used exclusively by the United States and diesel fuel which is exempt pursuant to the provisions of Sections 507, 508, 509 and 527 of ~~Title 68 of the Oklahoma Statutes~~ this title shall be exempt from the tax levied pursuant to the provisions of this section.

C. The additional excise tax of one cent ($0.01) per gallon of diesel fuel levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned as follows: one-half cent ($0.005) shall be deposited in the County Road Improvement Revolving Fund of the State Treasury to be used for the purposes set forth in the County Road Improvement Act; and one-half cent ($0.005) shall be transmitted by the Tax Commission to the various counties of the state pursuant to the provisions of subparagraphs (1) and (2) of paragraph (d) of Section 504 of this title.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 604.4, is amended to read as follows:

Section 604.4 A. There is hereby levied an excise tax of one cent ($0.01) upon the sale of each gallon of imported gasoline, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the use of imported gasoline within this state.

B. The tax levied by this section shall not apply to imported gasoline which is exempt from tax pursuant to the provisions of Section 605 of ~~Title 68 of the Oklahoma Statutes~~ this title.

C. The additional excise tax of one cent ($0.01) per gallon of gasoline levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned as follows: one-half cent ($0.005) shall be deposited in the County Road Improvement Revolving Fund of the State Treasury to be used for the purposes set forth in the County Road Improvement Act; and one-half cent ($0.005) shall be transmitted by the Tax

Commission to the various counties pursuant to the provisions of subparagraphs (1) and (2) of paragraph (d) of Section 504 of this title.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 604.5, is amended to read as follows:

Section 604.5 A. There is hereby levied an excise tax of one cent ($0.01) upon the use within this state of each and every gallon of imported diesel fuel, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the use of imported diesel fuel within this state.

B. The tax levied by this section shall not apply to imported diesel fuel which is exempt from tax pursuant to the provisions of Section 605 of this title.

C. The excise tax of one cent ($0.01) per gallon of imported diesel fuel levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned as follows: one-half cent ($0.005) shall be deposited in the County Road Improvement Revolving Fund of the State Treasury to be used for the purposes set forth in the County Road Improvement Act; and one-half cent ($0.005) shall be transmitted by the Tax Commission to the various counties of the state pursuant to the provisions of subparagraphs (1) and (2) of paragraph (d) of Section 504 of this title.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 707.2, is amended to read as follows:

Section 707.2 A. There is hereby levied an excise tax of one cent ($0.01) upon the use within this state of each and every gallon of special fuel, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the use of special fuel within this state.

B. The tax levied by this section shall not apply to special fuel which is exempt from tax pursuant to the provisions of Section 708 of ~~Title 68 of the Oklahoma Statutes~~ this title.

C. The excise tax of one cent ($0.01) per gallon of special fuel levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned as follows: one-half cent ($0.005) shall be deposited in the County Road Improvement Revolving Fund of the State Treasury to be used for the purposes set forth in the County Road Improvement Act; and one-half cent ($0.005) shall be transmitted by the Tax Commission to the various counties of the state pursuant to the provisions of subparagraphs (1) and (2) of paragraph (d) of Section 504 of this title.

SECTION 6. This act shall become effective July 1, 1995.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5556 JAF