

By: Parker

H.B. No. 3468

Substitute the following for H.B. No. 3468:

By: Springer

C.S.H.B. No. 3468

A BILL TO BE ENTITLED

AN ACT

relating to the exemption of certain entities that operate
ambulances from certain motor fuel taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 162.104(a), Tax Code, is amended to read
as follows:

(a) The tax imposed by this subchapter does not apply to
gasoline:

(1) sold to the United States for its exclusive use,
provided that the exemption does not apply with respect to fuel sold
or delivered to a person operating under a contract with the United
States;

(2) sold to a public school district in this state for
the district's exclusive use;

(3) sold to a commercial transportation company or a
metropolitan rapid transit authority operating under Chapter 451,
Transportation Code, that provides public school transportation
services to a school district under Section 34.008, Education Code,
and that uses the gasoline only to provide those services;

(4) exported by either a licensed supplier or a
licensed exporter from this state to any other state, provided
that:

(A) for gasoline in a situation described by
Subsection (d), the bill of lading indicates the destination state

1 and the supplier collects the destination state tax; or

2 (B) for gasoline in a situation described by
3 Subsection (e), the bill of lading indicates the destination state,
4 the gasoline is subsequently exported, and the exporter is licensed
5 in the destination state to pay that state's tax and has an
6 exporter's license issued under this subchapter;

7 (5) moved by truck or railcar between licensed
8 suppliers or licensed permissive suppliers and in which the
9 gasoline removed from the first terminal comes to rest in the second
10 terminal, provided that the removal from the second terminal rack
11 is subject to the tax imposed by this subchapter;

12 (6) delivered or sold into a storage facility of a
13 licensed aviation fuel dealer from which gasoline will be delivered
14 solely into the fuel supply tanks of aircraft or aircraft servicing
15 equipment, or sold from one licensed aviation fuel dealer to
16 another licensed aviation fuel dealer who will deliver the aviation
17 fuel exclusively into the fuel supply tanks of aircraft or aircraft
18 servicing equipment;

19 (7) exported to a foreign country if the bill of lading
20 indicates the foreign destination and the fuel is actually exported
21 to the foreign country; ~~or~~

22 (8) sold to a volunteer fire department in this state
23 for the department's exclusive use; or

24 (9) sold to an entity that:

25 (A) uses the gasoline exclusively for an
26 ambulance operated by a person licensed under Chapter 773, Health
27 and Safety Code; and

1 (B) has an agreement with a local governmental
2 entity to provide emergency ambulance services.

3 SECTION 2. Section 162.125(a), Tax Code, is amended to read
4 as follows:

5 (a) A license holder may take a credit on a return for the
6 period in which the sale occurred if the license holder paid tax on
7 the purchase of gasoline and subsequently resells the gasoline
8 without collecting the tax to:

9 (1) the United States government for its exclusive
10 use, provided that a credit is not allowed for gasoline used by a
11 person operating under contract with the United States;

12 (2) a public school district in this state for the
13 district's exclusive use;

14 (3) an exporter licensed under this subchapter if the
15 seller is a licensed supplier or distributor and the exporter
16 subsequently exports the gasoline to another state;

17 (4) a licensed aviation fuel dealer if the seller is a
18 licensed distributor; ~~[or]~~

19 (5) a commercial transportation company or a
20 metropolitan rapid transit authority operating under Chapter 451,
21 Transportation Code, that provides public school transportation
22 services to a school district under Section 34.008, Education Code,
23 and that uses the gasoline exclusively to provide those services;
24 or

25 (6) an entity that:

26 (A) uses the gasoline exclusively for an
27 ambulance operated by a person licensed under Chapter 773, Health

1 and Safety Code; and

2 (B) has an agreement with a local governmental
3 entity to provide emergency ambulance services.

4 SECTION 3. Subchapter B, Chapter 162, Tax Code, is amended
5 by adding Section 162.1276 to read as follows:

6 Sec. 162.1276. REFUND FOR CERTAIN AMBULANCE OPERATORS. (a)
7 An entity is entitled to a refund of taxes paid under this
8 subchapter for gasoline used to operate an ambulance and may file a
9 refund claim with the comptroller for the amount of those taxes if
10 the entity:

11 (1) uses the gasoline exclusively for an ambulance
12 operated by a person licensed under Chapter 773, Health and Safety
13 Code; and

14 (2) has an agreement with a local governmental entity
15 to provide emergency ambulance services.

16 (b) The refund claim under Subsection (a) must contain
17 information regarding:

18 (1) vehicle mileage;

19 (2) hours of service provided; and

20 (3) fuel consumed.

21 (c) An entity that requests a refund under this section
22 shall maintain all supporting documentation relating to the refund
23 until the sixth anniversary of the date of the request.

24 SECTION 4. Section 162.204(a), Tax Code, is amended to read
25 as follows:

26 (a) The tax imposed by this subchapter does not apply to:

27 (1) diesel fuel sold to the United States for its

1 exclusive use, provided that the exemption does not apply to diesel
2 fuel sold or delivered to a person operating under a contract with
3 the United States;

4 (2) diesel fuel sold to a public school district in
5 this state for the district's exclusive use;

6 (3) diesel fuel sold to a commercial transportation
7 company or a metropolitan rapid transit authority operating under
8 Chapter 451, Transportation Code, that provides public school
9 transportation services to a school district under Section 34.008,
10 Education Code, and that uses the diesel fuel only to provide those
11 services;

12 (4) diesel fuel exported by either a licensed supplier
13 or a licensed exporter from this state to any other state, provided
14 that:

15 (A) for diesel fuel in a situation described by
16 Subsection (d), the bill of lading indicates the destination state
17 and the supplier collects the destination state tax; or

18 (B) for diesel fuel in a situation described by
19 Subsection (e), the bill of lading indicates the destination state,
20 the diesel fuel is subsequently exported, and the exporter is
21 licensed in the destination state to pay that state's tax and has an
22 exporter's license issued under this subchapter;

23 (5) diesel fuel moved by truck or railcar between
24 licensed suppliers or licensed permissive suppliers and in which
25 the diesel fuel removed from the first terminal comes to rest in the
26 second terminal, provided that the removal from the second terminal
27 rack is subject to the tax imposed by this subchapter;

1 (6) diesel fuel delivered or sold into a storage
2 facility of a licensed aviation fuel dealer from which the diesel
3 fuel will be delivered solely into the fuel supply tanks of aircraft
4 or aircraft servicing equipment, or sold from one licensed aviation
5 fuel dealer to another licensed aviation fuel dealer who will
6 deliver the diesel fuel exclusively into the fuel supply tanks of
7 aircraft or aircraft servicing equipment;

8 (7) diesel fuel exported to a foreign country if the
9 bill of lading indicates the foreign destination and the fuel is
10 actually exported to the foreign country;

11 (8) dyed diesel fuel sold or delivered by a supplier to
12 another supplier and dyed diesel fuel sold or delivered by a
13 supplier or distributor into the bulk storage facility of a dyed
14 diesel fuel bonded user or to a purchaser who provides a signed
15 statement as provided by Section [162.206](#);

16 (9) the volume of water, fuel ethanol, renewable
17 diesel, biodiesel, or mixtures thereof that are blended together
18 with taxable diesel fuel when the finished product sold or used is
19 clearly identified on the retail pump, storage tank, and sales
20 invoice as a combination of diesel fuel and water, fuel ethanol,
21 renewable diesel, biodiesel, or mixtures thereof;

22 (10) dyed diesel fuel sold by a supplier or permissive
23 supplier to a distributor, or by a distributor to another
24 distributor;

25 (11) dyed diesel fuel delivered by a license holder
26 into the fuel supply tanks of railway engines, motorboats, or
27 refrigeration units or other stationary equipment powered by a

1 separate motor from a separate fuel supply tank;

2 (12) dyed kerosene when delivered by a supplier,
3 distributor, or importer into a storage facility at a retail
4 business from which all deliveries are exclusively for heating,
5 cooking, lighting, or similar nonhighway use;

6 (13) diesel fuel used by a person, other than a
7 political subdivision, who owns, controls, operates, or manages a
8 commercial motor vehicle as defined by Section 548.001,
9 Transportation Code, if the fuel:

10 (A) is delivered exclusively into the fuel supply
11 tank of the commercial motor vehicle; and

12 (B) is used exclusively to transport passengers
13 for compensation or hire between points in this state on a fixed
14 route or schedule; ~~or~~

15 (14) diesel fuel sold to a volunteer fire department
16 in this state for the department's exclusive use; or

17 (15) diesel fuel sold to an entity that:

18 (A) uses the diesel fuel exclusively for an
19 ambulance operated by a person licensed under Chapter 773, Health
20 and Safety Code; and

21 (B) has an agreement with a local governmental
22 entity to provide emergency ambulance services.

23 SECTION 5. Section 162.227(a), Tax Code, is amended to read
24 as follows:

25 (a) A license holder may take a credit on a return for the
26 period in which the sale occurred if the license holder paid tax on
27 the purchase of diesel fuel and subsequently resells the diesel

fuel without collecting the tax to:

(1) the United States government for its exclusive use, provided that a credit is not allowed for gasoline used by a person operating under a contract with the United States;

(2) a public school district in this state for the district's exclusive use;

(3) an exporter licensed under this subchapter if the seller is a licensed supplier or distributor and the exporter subsequently exports the diesel fuel to another state;

(4) a licensed aviation fuel dealer if the seller is a licensed distributor; ~~[or]~~

(5) a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the diesel fuel exclusively to provide those services; or

(6) an entity that:

(A) uses the diesel fuel exclusively for an ambulance operated by a person licensed under Chapter 773, Health and Safety Code; and

(B) has an agreement with a local governmental entity to provide emergency ambulance services.

SECTION 6. Subchapter C, Chapter 162, Tax Code, is amended by adding Section 162.2276 to read as follows:

Sec. 162.2276. REFUND FOR CERTAIN AMBULANCE OPERATORS. (a) An entity is entitled to a refund of taxes paid under this

1 subchapter for diesel fuel used to operate an ambulance and may file
2 a refund claim with the comptroller for the amount of those taxes if
3 the entity:

4 (1) uses the diesel fuel exclusively for an ambulance
5 operated by a person licensed under Chapter 773, Health and Safety
6 Code; and

7 (2) has an agreement with a local governmental entity
8 to provide emergency ambulance services.

9 (b) The refund claim under Subsection (a) must contain
10 information regarding:

11 (1) vehicle mileage;

12 (2) hours of service provided; and

13 (3) fuel consumed.

14 (c) An entity that requests a refund under this section
15 shall maintain all supporting documentation relating to the refund
16 until the sixth anniversary of the date of the request.

17 SECTION 7. The change in law made by this Act does not
18 affect tax liability accruing before the effective date of this
19 Act. That liability continues in effect as if this Act had not been
20 enacted, and the former law is continued in effect for the
21 collection of taxes due and for civil and criminal enforcement of
22 the liability for those taxes.

23 SECTION 8. This Act takes effect September 1, 2015.