

By: Parker

H.B. No. 3468

A BILL TO BE ENTITLED

AN ACT

relating to the payment of motor fuel taxes by certain entities that  
operate ambulances.

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 who has been issued a license by the  
27 Department of State Health Services; 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 who has been issued a license by the

1 Department of State Health Services; 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 fuel exclusively for an ambulance  
12 operated by a person who has been issued a license by the Department  
13 of State Health Services; 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 fuel exclusively for an ambulance  
19 operated by a person who has been issued a license by the Department  
20 of State Health Services; 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

1 fuel without collecting the tax to:

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

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

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

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

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

18 (6) an entity that:

19 (A) uses the fuel exclusively for an ambulance  
20 operated by a person who has been issued a license by the Department  
21 of State Health Services; and

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

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

26 Sec. 162.2276. REFUND FOR CERTAIN AMBULANCE OPERATORS. (a)  
27 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 (A) uses the fuel exclusively for an ambulance  
5 operated by a person who has been issued a license by the Department  
6 of State Health Services; and

7 (B) has an agreement with a local governmental  
8 entity 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.