

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2166
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-5605, Arizona Revised Statutes, is amended to
3 read:

4 28-5605. Use fuel tax collection; fuel dispenser labels; civil
5 penalty

6 A. A vendor shall not collect more than the use fuel tax imposed
7 pursuant to section 28-5606, subsection B, paragraph 1 from a person who
8 purchases use fuel for use in the propulsion of a light class motor vehicle
9 on a highway in this state or for use in the propulsion of a use class
10 motor vehicle that is exempt pursuant to section 28-5432 from the weight
11 fee prescribed in section 28-5433 on a highway in this state.

12 B. Subject to the following, vendors shall label use fuel dispensers
13 pursuant to standards established by the weights and measures services
14 division of the Arizona department of agriculture:

15 1. Labels on use fuel dispensers shall notify the purchaser of the
16 state use fuel tax rate. The department of transportation shall provide
17 the use fuel dispenser labels to vendors IF THE VENDOR SUBMITS A RECEIPT
18 FROM ONE FUELING POSITION AND, IF APPLICABLE, ONE IN-STORE POINT OF SALE
19 SYSTEM.

20 2. If the vendor ~~only~~ sells use fuel ONLY to light class motor
21 vehicles or use class motor vehicles that are exempt pursuant to section
22 28-5432 from the weight fee prescribed in section 28-5433, or both, the
23 vendor shall post that limitation and include the tax rate prescribed in
24 section 28-5606, subsection B, paragraph 1.

25 3. If light class motor vehicles and use class motor vehicles are
26 allowed to fuel at the same use fuel dispenser, the vendor shall include
27 the tax rate prescribed in section 28-5606, subsection B, paragraph 2 and
28 post a notice that the tax rate for light class motor vehicles and use
29 class motor vehicles that are exempt pursuant to section 28-5432 from the
30 weight fee prescribed in section 28-5433 is the tax rate prescribed in
31 section 28-5606, subsection B, paragraph 1.

32 4. If the vendor prohibits light class motor vehicles or use class
33 motor vehicles from dispensing fuel from a specific fuel dispenser, the
34 vendor shall post that prohibition.

35 5. In addition to posting a sign on a use fuel dispenser that
36 indicates that the price of the use fuel dispensed from that dispenser

1 includes the applicable federal and state taxes, a vendor that dispenses
2 use fuel from a cardlock facility shall require the purchaser of use fuel
3 for light class motor vehicles or use class motor vehicles that are exempt
4 pursuant to section 28-5432 from the weight fee prescribed in section
5 28-5433, or both, to complete a declaration of status in a form and a
6 manner approved by the director. For the purposes of this paragraph,
7 "cardlock facility" means a use fuel vendor that satisfies all of the
8 following:

9 (a) Is licensed in this state.

10 (b) Sells only to preapproved purchasers of use fuel who have been
11 issued cards, keys or other controlled access to identify the exclusive
12 withdrawal of that particular purchaser.

13 (c) Does not have a representative on the premises to observe the
14 withdrawal of use fuel from the vendor's storage.

15 (d) Measures volumes of fuel dispensed by pump meters or other
16 accurate recording devices.

17 C. A vendor who violates subsection B of this section is subject to
18 a civil penalty of ~~one hundred dollars~~ \$100 for each day the violation
19 continues."

20 Amend title to conform

And, as so amended, it do pass

LEO BIASIUCCI
CHAIRMAN

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C: JR