

MOTOR FUEL TAX ACT (EXCERPT)
Act 403 of 2000

207.1154 Filing of report and payment of tax by alternative fuel dealer or alternative fuel commercial user; filing of report and payment of tax by person other than alternative fuel dealer or alternative fuel commercial user; effect of nonpayment of tax.

Sec. 154.

(1) For the purpose of determining the amount of tax payable to the department, an alternative fuel dealer shall, on or before the twentieth day of each month, file with the department on a form or in a format prescribed by the department a report that includes the number of gallons or gallon equivalents, if applicable, of alternative fuel used by the alternative fuel dealer during the preceding calendar month, together with any other information the department may require. An alternative fuel dealer shall pay to the department at the time of filing the report the full amount of the tax owed.

(2) Beginning on January 1, 2017, for the purpose of determining the amount of tax owed to the department, an alternative fuel commercial user that uses alternative fuel as described in section 151(j) upon which the tax imposed under section 152 has not been collected by or paid to an alternative fuel dealer shall, on or before the twentieth day of each month, file with the department a report that includes the number of gallons or gallon equivalents, if applicable, of the alternative fuel described in this subsection that was used or consumed by the alternative fuel commercial user during the preceding calendar month, together with any other information the department requires. An alternative fuel commercial user shall pay the full amount of the tax due to the department at the time of filing the required report. Notwithstanding anything to the contrary in this act, an alternative fuel commercial user may report and pay the tax imposed under section 152 on compressed natural gas based on a gallon equivalent equal to 6.384 pounds or 142.78 cubic feet at 60 degrees Fahrenheit and 1 atmosphere of pressure if all of the following conditions are met:

(a) The compressed natural gas was placed into the fuel supply tank of a motor vehicle owned by the alternative fuel commercial user through the use of an alternative fuel filling station.

(b) That the alternative fuel filling station described in (a) is owned or leased by the alternative fuel commercial user, is located at the place of business of the alternative fuel commercial user, and is unavailable for public use.

(c) The motor vehicle described in (a) is not any of the following:

(i) Subject to the international fuel tax agreement described in section 2a of the motor carrier fuel tax act, 1980 PA 119, MCL 207.212a.

(ii) Required to have a decal affixed to the cab under section 5 of the motor carrier fuel tax act, 1980 PA 119, MCL 207.215.

(iii) Operated under a trip permit issued by the department under section 7 of the motor carrier fuel tax act, 1980 PA 119, MCL 207.217.

(3) Beginning on January 1, 2018, for the purpose of determining the amount of tax owed to the department, a person that is not an alternative fuel dealer or an alternative fuel commercial user shall pay the tax imposed under section 152 on alternative fuel placed into a motor vehicle fuel supply tank from an alternative fuel filling station for which the tax has not been collected by or paid to an alternative fuel dealer, and shall file with the department on or before the twentieth day following the end of each quarter a form that indicates the number of gallons or gallon equivalents, if applicable, used or consumed by that person during the preceding calendar quarter. A person described in this subsection shall pay to the department the full amount of the tax due at the time of filing the required form.

(4) Except as otherwise provided in this section, a person that uses alternative fuel for a taxable purpose and does not pay the tax imposed under this section shall pay to the department the tax imposed under section 152, along with any applicable penalties or interest, at the time and in the manner prescribed by the department.

History: 2000, Act 403, Eff. Apr. 1, 2001 ;-- Am. 2015, Act 176, Eff. Jan. 1, 2017 ;-- Am. 2016, Act 317, Eff. Jan. 1, 2017

Compiler's Notes: Enacting section 2 of Act 468 of 2014 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963." House Joint Resolution UU was presented to the electors as Proposal 15-1 at the May 5, 2015 special election. The proposal to amend the constitution was not approved by the voters and Act 468 of 2014 does not go into effect.