

2021 Regular Session

HOUSE BILL NO. 582

BY REPRESENTATIVES MCFARLAND AND BUTLER

TAX/GASOLINE TAX: Repeals the existing tax on gasoline, diesel, and special fuels and levies a new tax on these motor fuels and an annual tax on electric and hybrid vehicles

1 AN ACT

2 To enact R.S. 47:818.12.1, 818.111.1, and Part VI of Chapter 3 of Subtitle IV of Title 47 of
3 the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2811 and to repeal
4 R.S. 47:818.12 and 818.111, relative to transportation projects; to provide for the
5 funding of transportation projects; to repeal certain motor fuel excise taxes levied on
6 gasoline, diesel, and certain special fuels; to levy certain motor fuel excise taxes on
7 gasoline, diesel, and certain special fuels; to levy an excise tax on electric and hybrid
8 motor vehicles; to provide for the rate of the tax; to provide for the collection and
9 disposition of the proceeds; to provide for certain definitions; to require certain
10 audits; to provide for requirements and limitations; to provide for an effective date;
11 and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 47:818.12.1, 818.111.1, and Part VI of Chapter 3 of Subtitle IV of
14 Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2811, are hereby
15 enacted to read as follows:

16 §818.12.1. Tax levied on gasoline and diesel fuels; rates; deposit of proceeds into
17 the Construction Subfund of the Transportation Trust Fund; audits; report of
18 findings

19 A. In addition to the tax levied in R.S. 47:820.1, there shall be levied a tax
20 of sixteen cents per net gallon on the following:

1 PART VI. TAX ON ELECTRIC VEHICLES

2 AND HYBRID VEHICLES

3 §2811. Imposition of tax; electric vehicles; hybrid vehicles; collection; use of
4 proceeds

5 A.(1) There is hereby levied a tax of two hundred dollars per year on each
6 electric vehicle which is operated upon the highways of this state and which is
7 required to be registered and to pay registration license tax in accordance with the
8 provisions of Chapter 4 of Subtitle II of this Title.

9 (2) There is hereby levied a tax of one hundred dollars per year on each
10 hybrid vehicle which is operated upon the highways of this state and which is
11 required to be registered and to pay registration license tax in accordance with the
12 provisions of Chapter 4 of Subtitle II of this Title.

13 B. For purposes of this Section, the following terms shall have the following
14 meanings:

15 (1) "Electric vehicle" shall mean a vehicle which is powered by one or more
16 electric motors or energy stored in rechargeable batteries for propulsion.

17 (2) "Hybrid vehicle" shall mean a vehicle that uses gasoline, diesel fuel, or
18 special fuels in combination with an electric motor for propulsion.

19 C. The commissioner of motor vehicles shall collect the tax levied pursuant
20 to the provisions of this Section every two years at the same time and in the same
21 manner as the registration license tax pursuant to the provisions of R.S. 47:463.

22 D. After compliance with the requirements of Article VII, Section 9(B) of
23 the Constitution of Louisiana, the treasurer shall deposit the avails of the tax levied
24 pursuant to the provisions of this Section into the Construction Subfund of the
25 Transportation Trust Fund pursuant to the requirements of Article VII, Section
26 27(B)(2) of the Constitution of Louisiana.

27 Section 2. R.S. 47:818.12 and 818.111 are hereby repealed in their entirety.

28 Section 3. This Act may be referred to as the Government Reform in Transportation

29 Act of 2021.

1 Section 4. This Act shall become effective on July 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 582 Original

2021 Regular Session

McFarland

Abstract: Repeals the 16¢ per gallon tax on gasoline, diesel, and special fuels in present law; levies a new 16¢ per gallon tax on gasoline, diesel, and special fuels; levies an annual tax on electric and hybrid vehicles; and dedicates the proceeds of these new taxes into the Construction Subfund of the Transportation Trust Fund (TTF).

Present law provides for the levy of a tax of 4¢ per gallon of gasoline, diesel, and special fuels. Present law requires the proceeds of this 4¢ per gallon tax on these motor fuels to be credited to the Transportation Infrastructure Model for Economic Development (TIMED) account in the Transportation Trust Fund (TTF) for use solely on projects in the TIMED program.

Proposed law retains present law with respect to the levy of a tax of 4¢ per gallon of gasoline, diesel, and special fuels.

New Tax on Gasoline, Diesel, and Special Fuels

Present law provides for the levy of a tax of 16¢ per gallon tax on gasoline, diesel, and special fuels.

Proposed law repeals the 16¢ per gallon tax on gasoline, diesel, and special fuels and levies a *new* 16¢ per gallon tax on gasoline, diesel, and special fuels.

Electric Vehicles and Hybrid Vehicles

Proposed law levies an annual tax of \$200 per year on each electric vehicle and an annual tax of \$100 per year on each hybrid vehicle operated on state highways which are required to be registered and to pay registration license tax in accordance with present law. Further requires the commissioner of motor vehicles to collect the tax levied in proposed law every two years at the same time and in the same manner as the registration license tax pursuant to present law.

Proposed law defines an "electric vehicle" as a vehicle powered by one or more electric motors or energy stored in rechargeable batteries for propulsion and defines a "hybrid vehicle" as a vehicle that uses gasoline, diesel fuel, or special fuels in combination with an electric motor for propulsion.

Deposit and Use of the Tax Proceeds

Proposed law requires the avails of the *new taxes* levied on gasoline, diesel, and special fuels and the annual taxes levied on electric and hybrid vehicles to be deposited into the Construction Subfund of the TTF pursuant to the requirements of present constitution.

Proposed law requires the legislative auditor to commence a comprehensive audit of the Dept. of Transportation and Development (DOTD) no later than July 1, 2022, to review DOTD's operations, organizational efficiency, and performance in regard to the department's utilization of operating revenues and to review DOTD's use of the avails of the taxes deposited into the Construction Subfund of the TTF. Further requires the auditor to present

his findings and recommendations to the presiding officers of the House and Senate no later than Sept. 30, 2023.

Proposed law is authorized to be referred to as the Government Reform in Transportation Act of 2021.

Effective on July 1, 2021.

(Adds R.S. 47:818.12.1, 818.111.1, and 2811; Repeals R.S. 47:818.12 and 818.111)