

ASSEMBLY BILL NO. 261—ASSEMBLYMEN ANGLE AND NOLAN

MARCH 1, 2001

Referred to Committee on Taxation

SUMMARY—Revises provisions regarding tax on motor vehicle fuel. (BDR 32-89)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to taxation; reducing the amount of the state tax on certain types of motor vehicle fuel; increasing the amount of the proceeds reserved for construction and maintenance of public highways; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 365.170 is hereby amended to read as follows:
- 2 365.170 1. Every dealer shall, not later than the 25th day of each
- 3 calendar month:
- 4 (a) Render to the department a statement of all motor vehicle fuel and
- 5 fuel for jet or turbine-powered aircraft sold, distributed or used by him in
- 6 the State of Nevada, as well as all such fuel sold, distributed or used in this
- 7 state by a purchaser thereof upon which sale, distribution or use the dealer
- 8 has assumed liability for the tax thereon pursuant to NRS 365.020, during
- 9 the preceding calendar month; and
- 10 (b) Pay an excise tax on:
- 11 (1) All fuel for jet or turbine-powered aircraft in the amount of 1 cent
- 12 per gallon, plus any amount imposed by the county in which the fuel is
- 13 sold, distributed or used pursuant to NRS 365.203;
- 14 (2) Aviation fuel in the amount of 2 cents per gallon, plus any amount
- 15 imposed by the county in which the fuel is sold, distributed or used
- 16 pursuant to NRS 365.203; and
- 17 (3) All other motor vehicle fuel in the amount of ~~17.65~~ *12.65* cents
- 18 per gallon,
- 19 so sold, distributed or used, in the manner and within the time prescribed in
- 20 this chapter.
- 21 2. A dealer shall hold the amount of all taxes collected pursuant to this
- 22 chapter in a separate account in trust for the state.



1 3. The department for good cause may extend for not more than 30  
2 days the time for making any report or return required pursuant to this  
3 chapter. The extension may be granted at any time if:

- 4 (a) A request therefor has been filed with the department within or  
5 before the period for which the extension may be granted; and  
6 (b) A remittance of the estimated tax is made when due.

7 4. Any report, return, remittance to cover a payment or claim for credit  
8 or refund required by this chapter which is transmitted through the United  
9 States mail shall be deemed filed or received by the department on the date  
10 shown by the post office cancellation mark stamped upon the envelope  
11 containing it, or on the date it was mailed if proof satisfactory to the  
12 department establishes that the document or remittance was timely  
13 deposited in the United States mail properly addressed to the department.

14 **Sec. 2.** NRS 365.175 is hereby amended to read as follows:

15 365.175 1. Except as otherwise provided in NRS 365.135, every  
16 supplier shall, not later than the last day of each calendar month:

17 (a) Submit to the department a statement of all motor vehicle fuel,  
18 except aviation fuel, sold, distributed or used by him in this state; and

19 (b) Pay an excise tax on all motor vehicle fuel, except aviation fuel, in  
20 the amount of ~~17.65~~ **12.65** cents per gallon sold, distributed or used in the  
21 manner prescribed in this chapter.

22 2. A supplier shall hold the amount of all taxes collected pursuant to  
23 this chapter in a separate account in trust for the state.

24 **Sec. 3.** NRS 365.540 is hereby amended to read as follows:

25 365.540 1. The money collected, as prescribed by NRS 365.170 and  
26 365.185, from the tax on motor vehicle fuels, after the remittances and  
27 deposits have first been made pursuant to the provisions of NRS 365.535,  
28 must be placed to the credit of the state highway fund by the state treasurer.  
29 An amount equal to that part of the tax collected pursuant to subparagraph  
30 (3) of paragraph (b) of subsection 1 of NRS 365.170, which represents ~~15~~  
31 **7** cents of the tax per gallon must be used exclusively for the construction  
32 and maintenance of public highways, and may not be used to purchase  
33 equipment related thereto.

34 2. The money collected, as prescribed by NRS 365.180 and 365.190,  
35 after the remittances and deposits have first been made pursuant to the  
36 provisions of NRS 365.535, must be allocated by the department to the  
37 counties as prescribed in NRS 365.550 and 365.560.

38 3. The money collected as prescribed by NRS 365.200 must be  
39 allocated by the department as prescribed by NRS 365.550 and 365.560.

40 4. The money collected from the tax on aviation fuel must be  
41 deposited by the department with the state treasurer for credit to the  
42 account for taxes on aviation fuel, which is hereby created as a revolving  
43 account.

44 **Sec. 4.** Section 71 of chapter 224, Statutes of Nevada 1999, at page  
45 1008, is hereby amended to read as follows:

46 Sec. 71. NRS 365.170 is hereby amended to read as follows:

47 365.170 1. ~~Every~~ **Except as otherwise provided in section 65**  
48 **of this act, every** dealer shall, not later than the ~~25th~~ **last** day of each  
49 calendar month:



(a) Render to the department a statement of all ~~motor vehicle~~ aviation fuel and fuel for jet or turbine-powered aircraft sold, distributed or used by him in ~~the State of Nevada,~~ this state, as well as all such fuel sold, distributed or used in this state by a purchaser thereof upon which sale, distribution or use the dealer has assumed liability for the tax thereon pursuant to NRS 365.020, during the preceding calendar month; and

(b) Pay an excise tax on:

(1) All fuel for jet or turbine-powered aircraft in the amount of 1 cent per gallon, plus any amount imposed by the county in which the fuel is sold, distributed or used pursuant to NRS 365.203; and

(2) Aviation fuel in the amount of 2 cents per gallon, plus any amount imposed by the county in which the fuel is sold, distributed or used pursuant to NRS 365.203, ; and

~~(3) All other motor vehicle fuel in the amount of 12.65 cents per gallon,~~

so sold, distributed or used, in the manner and within the time prescribed in this chapter.

2. A dealer shall hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the state.

~~3. The department for good cause may extend for not more than 30 days the time for making any report or return required pursuant to this chapter. The extension may be granted at any time if:~~

~~(a) A request therefor has been filed with the department within or before the period for which the extension may be granted; and~~

~~(b) A remittance of the estimated tax is made when due.~~

~~4. Any report, return, remittance to cover a payment or claim for credit or refund required by this chapter which is transmitted through the United States mail shall be deemed filed or received by the department on the date shown by the post office cancellation mark stamped upon the envelope containing it, or on the date it was mailed if proof satisfactory to the department establishes that the document or remittance was timely deposited in the United States mail properly addressed to the department.~~

Sec. 5. Section 98 of chapter 224, Statutes of Nevada 1999, at page 1018, is hereby amended to read as follows:

Sec. 98. NRS 365.540 is hereby amended to read as follows:  
365.540 1. The money collected, as prescribed by NRS ~~365.170 and 365.185,~~ 365.185 and section 59 of this act, from the tax on motor vehicle fuels, other than aviation fuel, after the remittances and deposits have first been made pursuant to the provisions of NRS 365.535, must be placed to the credit of the state highway fund by the state treasurer. An amount equal to that part of the tax collected pursuant to ~~subparagraph (3) of paragraph (b) of subsection 1 of NRS 365.170,~~ section 59 of this act, which represents 7 cents of the tax per gallon must be used exclusively for the construction and maintenance of public highways, and may not be used to purchase equipment related thereto.



1           2. The money collected, as prescribed by NRS 365.180 and  
2           365.190, after the remittances and deposits have first been made  
3           pursuant to the provisions of NRS 365.535, must be allocated by the  
4           department to the counties as prescribed in NRS 365.550 and 365.560.

5           3. The money collected as prescribed by NRS 365.200 must be  
6           allocated by the department as prescribed by NRS 365.550 and  
7           365.560.

8           4. The money collected from the tax on aviation fuel must be  
9           deposited by the department with the state treasurer for credit to the  
10          account for taxes on aviation fuel, which is hereby created as a  
11          revolving account.

12         **Sec. 6.** 1. This section and sections 1, 4 and 5 of this act become  
13         effective on July 1, 2001.

14         2. Section 2 of this act becomes effective at 12:01 a.m. on January 1,  
15         2002.

