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HOUSE BILL 202

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO TAXATION; CHANGING THE BASIS OF THE GASOLINE TAX
AND THE SPECIAL FUEL EXCISE TAX FROM NUMBER OF GALLONS SOLD TO
VALUE OF FUEL SOLD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-13-3 NMSA 1978 (being Laws 1971,
Chapter 207, Section 3, as amended) is amended to read:

"7-13-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS
"GASOLINE TAX".--

A. For the privilege of receiving gasoline in this
state, there is imposed an excise tax at a rate provided in
Subsection B of this section on each gallon of gasoline
received in New Mexico.

B. The tax imposed by Subsection A of this section
shall be [~~seventeen cents (\$.17) per gallon received in New~~

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1 ~~Mexico]~~ seven and two-tenths percent of the total amount of
2 money or of the value of other consideration received per
3 gallon received in New Mexico.

4 C. The tax imposed by this section may be called
5 the "gasoline tax".

6 SECTION 2. Section 7-13-3.1 NMSA 1978 (being Laws 1979,
7 Chapter 166, Section 7, as amended) is amended to read:

8 "7-13-3.1. GASOLINE INVENTORY TAX--IMPOSITION OF TAX--
9 DATE PAYMENT OF TAX DUE.--

10 A. A gasoline inventory tax is imposed measured by
11 the quantity of gallons of gasoline in the possession of a
12 distributor or wholesaler on the day in which an increase in
13 the excise tax imposed by Section 7-13-3 NMSA 1978 is
14 effective. The taxable event is the existence of an inventory
15 in the possession of a distributor or wholesaler on the day
16 prior to the day in which an increase in the excise tax imposed
17 by Section 7-13-3 NMSA 1978 is effective. The rate of the
18 gasoline inventory tax to apply on each gallon of gasoline held
19 in inventory by a distributor or wholesaler, as provided in
20 Section 7-13-3.2 NMSA 1978, shall be the difference between the
21 gasoline excise tax rate imposed on the day prior to the day in
22 which the gasoline excise tax is increased subtracted from the
23 gasoline excise tax rate imposed on the day that the gasoline
24 excise tax rate increase is effective [~~expressed in cents per~~
25 ~~gallon~~].

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1 B. The department shall publish a table converting
2 the percentage tax in Section 7-13-3 NMSA 1978 to an equivalent
3 cents-per-gallon tax for use when necessary to calculate the
4 rate of the gasoline inventory tax pursuant to this section.

5 [B-] C. The gasoline inventory tax is to be paid to
6 the department on or before the twenty-fifth day of the month
7 following the month in which the taxable event occurs."

8 SECTION 3. Section 7-16A-3 NMSA 1978 (being Laws 1992,
9 Chapter 51, Section 3, as amended) is amended to read:

10 "7-16A-3. IMPOSITION AND RATE OF TAX--DENOMINATION AS
11 SPECIAL FUEL EXCISE TAX.--

12 A. For the privilege of receiving or using special
13 fuel in this state, there is imposed an excise tax at a rate
14 provided in Subsection B of this section on each gallon of
15 special fuel received in New Mexico.

16 B. The tax imposed by Subsection A of this section
17 shall be [~~twenty-one cents (\$.21) per gallon of special fuel~~
18 ~~received or used in New Mexico]~~ eight and seven-tenths percent
19 of the total amount of money or of the value of other
20 consideration received per gallon received or used in New
21 Mexico.

22 C. The tax imposed by this section may be called
23 the "special fuel excise tax"."

24 SECTION 4. Section 7-16A-4 NMSA 1978 (being Laws 1992,
25 Chapter 51, Section 4) is amended to read:

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1 "7-16A-4. SPECIAL FUEL INVENTORY TAX--IMPOSITION OF
2 TAX--DATE PAYMENT OF TAX DUE.--

3 A. A "special fuel inventory tax" is imposed
4 measured by the quantity of gallons of special fuel in the
5 possession of a supplier or bulk storage user on the day in
6 which an increase in the special fuel excise tax rate is
7 effective. The taxable event is the existence of an inventory
8 in the possession of a supplier or bulk storage user on the day
9 prior to the day in which an increase in the special fuel
10 excise tax rate is effective. The rate of the special fuel
11 inventory tax applicable to each gallon of special fuel held in
12 inventory by a supplier or bulk storage ~~[use]~~ user, as provided
13 in Section ~~[5 of the Special Fuels Supplier Tax Act]~~ 7-16A-5
14 NMSA 1978, shall be the difference between the special fuel
15 excise tax rate imposed on the day prior to the day in which
16 the special fuel excise tax rate is increased, subtracted from
17 the special fuel excise tax rate imposed on the day in which
18 the special fuel excise tax rate increase is effective
19 ~~[expressed in cents per gallon].~~

20 B. The department shall publish a table converting
21 the percentage tax in Section 7-16A-3 NMSA 1978 to an
22 equivalent cents-per-gallon tax for use when necessary to
23 calculate the rate of the special fuel inventory tax pursuant
24 to this section.

25 ~~[B.]~~ C. The special fuel inventory tax is to be
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1 paid to the department on or before the twenty-fifth day of the
2 month following the month in which the taxable event occurs."

3 SECTION 5. Section 7-16A-6 NMSA 1978 (being Laws 1992,
4 Chapter 51, Section 6) is amended to read:

5 "7-16A-6. SPECIAL FUEL INVENTORY TAX REFUND.--

6 A. A "special fuel inventory tax refund" is
7 established measured by the quantity of gallons of special fuel
8 in the possession of a supplier or bulk storage user on the day
9 in which a decrease in the special fuel excise tax rate is
10 effective. The refund event is the existence of an inventory
11 in the possession of a supplier or bulk storage user on the day
12 prior to the day in which a decrease in the special fuel excise
13 tax rate is effective. The refund is to be calculated by
14 determining the difference between the special fuel excise tax
15 rate imposed on the day prior to the day in which the special
16 fuel excise tax rate is decreased, subtracted from the special
17 fuel excise tax rate imposed on the day in which the special
18 fuel excise tax rate decrease is effective [~~expressed in cents~~
19 ~~per gallon~~]. The refund rate so determined is then multiplied
20 by each gallon in inventory as determined under Section [~~5 of~~
21 ~~the Special Fuels Supplier Tax Act~~] 7-16A-5 NMSA 1978.

22 B. The department shall publish a table converting
23 the percentage tax in Section 7-16A-3 NMSA 1978 to an
24 equivalent cents-per-gallon tax for use when necessary to
25 calculate the refund rate pursuant to this section."

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SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.