

295.01 GROSS EARNINGS TAXES; RAILROAD COMPANIES

GROSS EARNINGS TAXES

CHAPTER 295. RAILROAD, EXPRESS, FREIGHT LINE, SLEEPING CAR, TELEPHONE, TELEGRAPH, TRUST COMPANIES

Sec.  
295.01 Definitions.

TRUST COMPANIES  
Sec.  
295.38 Repealed.

295.01 Definitions

[For text of subd. 1, see M.S.1971]

**Subd. 2. The gross earnings derived from the operation of such line of railway within this state.** The term "the gross earnings derived from the operation of such line of railway within this state," as used in section 295.02, is hereby declared and shall be construed to mean all earnings on business beginning and ending within the state and a proportion, based upon the proportion of the mileage within the state to the entire mileage over which such business is done, of earnings on all interstate business passing through, into, or out of the state.

The term "mileage" as used herein shall mean the distance of the most commonly used direct mainline routes operated by a railroad company between the origin and the destination of the freight shipment.

[1973 c 278 s 1]

[For text of subds. 3 to 8, see M.S.1971]

**Subd. 9. Telegraph company.** Every person, company, joint stock association, or corporation, wherever organized or incorporated, owning or operating any telegraph line within this state shall be deemed a telegraph company.

[1973 c 617 s 1]

**Subd. 10. Telephone company.** The term "telephone company" as used in this chapter means any person, firm, association or corporation, excluding municipal telephone companies, owning or operating any telephone line or telephone exchange for hire wholly or partly within this state, including radio and other advancements in the art of telephony.

[1973 c 617 s 2]

TRUST COMPANIES

295.38 [Repealed, 1973 c 650 art XXVII s 1]

EXCISE AND SALES TAXES

CHAPTER 296. GASOLINE, GASOLINE SUBSTITUTES

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296.01 Definitions

[For text of subds. 1 to 3, see M.S.1971]

**Subd. 4. Fuel oil.** "Fuel oil" means any petroleum product other than gasoline as herein defined which when tested in accordance with the methods of the American Society for Testing Materials shall not flash below 110 degrees Fahrenheit and which has a viscosity of not more than 40 seconds at 100 degrees Fahrenheit by the Saybolt universal process.

[1973 c 108 s 1]

[For text of subds. 5 to 23, see M.S.1971]

## EXCISE TAXES; GASOLINE 296.16

## 296.05 Specifications of petroleum products

[For text of subd. 1, see M.S.1971]

**Subd. 2. Fuel oil.** No fuel oil shall be sold unless it shall conform to the following specifications:

- (1) It shall be free from water, suspended matter and all impurities;
- (2) It shall not flash below 110 degrees Fahrenheit when tested in accordance with the methods of the American Society for Testing Materials;
- (3) When offered for sale or sold as kerosene, it shall be water white and upon complete distillation the end point shall not be higher than 600 degrees Fahrenheit.

[1973 c 108 s 2]

[For text of subds. 3 to 6, see M.S.1971]

## 296.12 Special fuels

[For text of subds. 1 to 9, see M.S.1971]

**Subd. 10. Accumulating meters required.** Every purchaser licensed under subdivision 2 shall make all withdrawals of special fuel except liquefied petroleum gas through an accumulating meter in working order, which shall be provided by such bulk purchaser. Whenever a bulk purchaser fails to comply with the provisions of this subdivision or of any regulations of the commissioner pertinent thereto, the license issued to such bulk purchaser pursuant to subdivision 2 may be revoked by the commissioner.

[1973 c 106 s 1]

## 296.15 Nonpayment of tax, penalties

**Subdivision 1. Penalty, interest.** (a) In case a properly licensed distributor, special fuel dealer, bulk purchaser or motor carrier does not pay any tax or inspection fee when due, a penalty of one percent per day for the first ten days of delinquency shall accrue, and thereafter the tax, fees and penalty shall bear interest at the rate of six percent per year until paid.

(b) If any person operates as a distributor, special fuel dealer, bulk purchaser or motor carrier without first securing the license required under this chapter, any tax or inspection fee imposed by this chapter shall become immediately due and payable. A penalty of 25 percent shall be imposed upon the tax and fee due thereon. The tax, fees and penalty shall bear interest at the rate of six percent per year until paid.

[1973 c 105 s 1]

[For text of subds. 2 to 6, see M.S.1971]

## 296.16 Use in motor vehicles

**Subdivision 1. Intent.** All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state. It is hereby found and determined that approximately three fourths of one percent of all gasoline received in this state and three fourths of one percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motor boats on the waters of this state and that of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in motor boats, three fourths of one percent of such revenues is the amount of tax on fuel used in motor boats operated on the waters of this state. It is further found and determined that approximately three-eighths of one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and that of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in snowmobiles, three-eighths of one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

[1973 c 648 s 1]

[For text of subds. 2 and 3, see M.S.1971]

**296.17 EXCISE TAXES; GASOLINE**

**296.17 Unreported gasoline and special fuel; gasoline and special fuel used in other states; motor fuel road tax**

[For text of subds. 1 to 19, see M.S.1971]

**Subd. 20. Enforcement powers.** (a) The commissioner is hereby authorized and directed to enforce the provisions of subdivisions 7 to 22. In addition, the commissioner of public safety is hereby authorized and directed to utilize the Minnesota highway patrol to assist in the enforcement of the provisions of subdivisions 7 to 22.

(b) The officers of the Minnesota highway patrol shall in addition to all other powers granted to them by Minnesota Statutes have the power of making arrests, service process, and appearing in court in all matters and things relating to subdivisions 7 to 22 and the administration and enforcement thereof.

[1973 c 107 s 1]

[For text of subds. 21 and 22, see M.S.1971]

**296.18 Refunds**

**Subdivision 1. Gasoline or special fuel used in other than motor vehicles.** Any person who shall buy and use gasoline for any purpose other than use in motor vehicles or snowmobiles, or special fuel for any purpose other than use in licensed motor vehicles, and who shall have paid the excise tax directly or indirectly through the amount of the tax being included in the price of the gasoline or special fuel, or otherwise, shall be reimbursed and repaid the amount of the tax paid by him upon filing with the commissioner a signed claim in writing in such form and containing such information as the commissioner shall require and accompanied by the original invoice thereof. By signing any such claim which is false or fraudulent, the applicant shall be subject to the penalties provided in this section for knowingly making a false claim. The claim shall set forth the total amount of the gasoline so purchased and used by him other than in motor vehicles, or special fuel so purchased and used by him other than in licensed motor vehicles, and shall state when and for what purpose it was used. When a claim contains an error in computation or preparation, the commissioner is authorized to adjust the claim in accordance with the evidence shown on the claim or other information available to him. If the commissioner be satisfied that the claimant is entitled to payment, he shall approve the claim and transmit it to the state auditor. No repayment shall be made unless the claim and invoice shall be filed with the commissioner within one year from the date of the purchase. The postmark on the envelope in which the claim is mailed shall determine the date of filing. The words "gasoline" or "special fuel" as used in this subdivision do not include aviation gasoline or special fuel for aircraft.

[1973 c 146 s 1; 1973 c 648 s 2]

[For text of subds. 1a to 8, see M.S.1971]

**296.421 Revenue provisions**

[For text of subds. 1 to 5, see M.S.1971]

**Subd. 6. Distribution of unrefunded tax for snowmobile purposes.** The amount of tax paid on gasoline used for snowmobile purposes as computed in subdivision 7 shall be paid into the state treasury and credited to the general fund. There is hereby appropriated from the general fund to the commissioner of natural resources for the biennium ending June 30, 1975, the sum of \$1,045,000 for the following purposes:

(a) \$209,000 shall be paid in grants in aid to local units of government for purposes of enforcement of laws relating to snowmobiles and for the construction of snowmobile trails.

(b) \$627,000 shall be allocated by the department for the provision and maintenance of snowmobile trails and trails to be used exclusively for non motorized recreation.

SALES TAXES; CERTAIN USES THEREOF 297.08

(c) \$209,000 shall be allocated by the department for the provision of access to snowmobile trails and the provision of snowmobile areas in those parts of the state where trails prove unfeasible to provide.

The commissioner of natural resources shall exercise care and discretion in establishing snowmobile trails to the end that the trails will be distributed equitably throughout the state for the recreational use of the people and the preservation of natural wild areas.

[1973 c 648 s 3]

**Subd. 7. Computation of unrefunded tax for snowmobile purposes.** The amount of tax for snowmobile use shall be a sum equal to three eighths of one percent of all revenues derived from the excise tax on gasoline, except on gasoline used for aviation purposes, together with interest thereon and penalties for delinquency in payment, paid or collected pursuant to the provisions of sections 296.02 to 296.17. The amount of such tax shall be computed for each six month period commencing July 1, 1973, and shall be paid into the state treasury and credited to the general fund on November 1 and June 1 following each six month period.

[1973 c 648 s 4]

CHAPTER 297. SALES TAXES; CERTAIN USES THEREOF

TAX ON CIGARETTES

Sec.  
297.08 Contraband  
297.13 Revenue, disposal.

PLEDGING BY MUNICIPALITIES OF  
CERTAIN SALES TAX RECEIPTS  
297.15 Repealed.

Sec.  
297.16 Repealed.

TAX UPON USE OR STORAGE OF  
CIGARETTES BY CONSUMERS

297.22 Tax.  
297.23 Consumers to file return.

TAX ON CIGARETTES

297.08 Contraband

[For text of subds. 1 and 2, see M.S.1971]

**Subd. 3. Inventory; judicial determination; appeal; disposition of seized property.** Within two days after the seizure of any alleged contraband, the person making the seizure shall deliver an inventory of the property seized to the person from whom the seizure was made, if known, and file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the property was seized or any person claiming an interest in the property may file with the commissioner a demand for a judicial determination of the question as to whether the property was lawfully subject to seizure and forfeiture, and thereupon the commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the supreme court, either (1) deliver the forfeited property to the commissioner of public welfare for use by patients in state institutions or (2) cause the same to be destroyed or (3) cause the forfeited property to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. Whenever the commissioner is satisfied that any person from whom property is seized under sections 297.01 to 297.13 was acting