

## CHAPTER 296

## GASOLINE, GASOLINE SUBSTITUTES

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**296.02 GASOLINE, EXCISE TAX.**

*[For text of subs 1 to 2, see M.S.1986]*

**Subd. 2a. Gasoline tax imposed for railroad use.** There is imposed an excise tax, at the rate of 17 cents per gallon on gasoline used in producing and generating power for propelling trains in this state. The tax imposed by this subdivision shall be credited to the general fund. The tax shall be computed by using the ratio of revenue ton miles of passengers, mail, express, and freight carried by the railroad within this state to the total number of revenue ton miles carried by the railroad within and without this state, times the total number of gallons of gasoline used both within and without this state during the filing period. The tax is payable at the times, in the manner, and by the persons specified in sections 296.01 to 296.27.

**Subd. 2b. Gasoline tax imposed for barge use.** There is imposed an excise tax, at the rate of 17 cents per gallon on gasoline used in producing and generating power for propelling barges in this state. The tax imposed by this subdivision shall be credited to the general fund. The tax shall be computed by using the ratio of revenue ton miles of freight carried by the barge within this state to the total number of revenue ton miles carried by the barge within and without this state, times the total number of gallons of gasoline used both within and without this state during the filing period. The tax is payable at the times, in the manner, and by the persons specified in sections 296.01 to 296.27. For the purposes of this subdivision and section 296.025, subdivision 2b, a barge will be considered to be operating within this state if it is operating on a river or other body of water that serves to mark a border of this state and if it picks up or delivers its freight at a point within this state.

*[For text of subs 3 to 8, see M.S.1986]*

**History:** 1987 c 268 art 14 s 17,18

**296.025 SPECIAL FUEL, EXCISE TAX.**

*[For text of subs 1 to 2, see M.S.1986]*

**Subd. 2a. Tax imposed for railroad use.** There is imposed an excise tax of the same rate per gallon as the gasoline excise tax on special fuel used to propel trains in this state and not otherwise taxed as gasoline. The tax shall be computed by using the same method as the gasoline excise tax and shall be payable at the times, in the manner, and by the persons specified in this chapter.

**Subd. 2b. Tax imposed for barge use.** There is imposed an excise tax of the same rate per gallon as the gasoline excise tax on special fuel used to propel barges in this state and not otherwise taxed as gasoline. The tax shall be computed by using the same method as the gasoline excise tax and shall be payable at the times, in the manner, and by the persons specified in this chapter.

*[For text of subs 3 to 6, see M.S.1986]*

**History:** 1987 c 268 art 14 s 19,20

**296.04 INSPECTION OF PETROLEUM RECORDS.**

Subdivision 1. [Repealed, 1987 c 268 art 14 s 25]

Subd. 2. [Repealed, 1987 c 268 art 14 s 25]

Subd. 3. [Repealed, 1987 c 268 art 14 s 25]

Subd. 4. [Repealed, 1987 c 268 art 14 s 25]

*[For text of subd 5, see M.S.1986]*

**296.05** [Repealed, 1987 c 268 art 14 s 25]

**296.07** [Repealed, 1987 c 268 art 14 s 25]

**296.13** [Repealed, 1987 c 268 art 14 s 25]

**296.14 GASOLINE TAX AND INSPECTION FEE MONTHLY REPORTS.**

*[For text of subs 1 to 3, see M.S.1986]*

Subd. 4. **Payment and transfer of tax on gasoline sold for storage in on-farm bulk storage and ethyl alcohol for personal use.** Notwithstanding the provisions of this section, the producer of ethyl alcohol which is produced for personal use and not for sale in the usual course of business and a farmer who uses gasoline on which a tax has not been paid shall report and pay the tax on all ethyl alcohol or gasoline delivered into the supply tank of a licensed motor vehicle during the preceding calendar year. The tax shall be reported and paid together with any refund claim filed by the taxpayer under section 296.18. If no refund claim is filed, the tax shall be reported and paid annually by March 15 or more frequently, as the commissioner may prescribe. Any producer, qualifying under this subdivision, shall be exempt from the licensing requirements contained in section 296.06, subdivision 1.

**History:** 1987 c 384 art 1 s 28

**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.

Approximately 1-1/2 percent of all gasoline received in this state and 1-1/2 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 motorboats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 1-1/2 percent of such revenues is the amount of tax on fuel used in motorboats operated on the waters of this state.

Approximately three-fourths 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 of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, three-fourths of one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Approximately 0.15 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, 0.15 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

*[For text of subs 2 and 3, see M.S.1986]*

**History:** 1987 c 404 s 160

**296.17 UNREPORTED GASOLINE AND SPECIAL FUEL; GASOLINE AND SPECIAL FUEL USED IN OTHER STATES; MOTOR FUEL ROAD TAX.***[For text of subd 1, see M.S.1986]*

**Subd. 3. Refunds on gasoline and special fuel used in other states.** Every person regularly or habitually operating motor vehicles upon the public highways of any other state or states and using in said motor vehicles gasoline or special fuel purchased or obtained in this state, shall be allowed a credit or refund equal to the tax on said gasoline or special fuel paid to this state on the gasoline or special fuel actually used in the other state or states. No credit or refund shall be allowed under this subdivision for taxes paid to any state which imposes a tax upon gasoline or special fuel purchased or obtained in this state and used on the highways of such other state, and which does not allow a similar credit or refund for the tax paid to this state on gasoline or special fuel purchased or acquired in such other state and used on the highways of this state. Every person claiming a credit or refund under this subdivision shall file a claim on a form prescribed by the commissioner or take the credit on a subsequent tax return within one year of the last day of the month following the end of the quarter when the overpayment occurred.

*[For text of subds 5 and 6, see M.S.1986]*

**Subd. 7. Definitions.** As used in subdivisions 7 to 22:

(a) "motor fuel" means a liquid, regardless of its composition or properties, used to propel a motor vehicle;

(b) "commercial motor vehicle" means a passenger vehicle that has seats for more than 20 passengers in addition to the driver, or a power unit that (1) has a gross weight in excess of 26,000 pounds, or (2) has three or more axles regardless of weight, or (3) when used in combination, the weight of the combination exceeds 26,000 pounds gross vehicle weight;

(c) "motor carrier" means a person who operates or causes to be operated a commercial motor vehicle on a highway in this state;

(d) "operation" means operation of commercial motor vehicles whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated; and

(e) "highway" means the entire width between the boundary lines of every way publicly maintained when part of the highway is open for the public to travel on.

*[For text of subds 8 and 9, see M.S.1986]*

**Subd. 9a. Minnesota-based interstate carriers.** Notwithstanding the exemption contained in subdivision 9, as the commissioner of public safety enters into interstate fuel tax compacts which require base state licensing and filing and which eliminate filing in the nonresident compact states, the Minnesota based motor vehicles registered pursuant to section 168.187 will be required to license under the fuel tax compact in Minnesota.

The commissioner of public safety will have all the powers granted to the commissioner of revenue under this section, including the authority to collect and issue licenses, to collect the tax due, and issue any refunds. All license fees paid to the commissioner of public safety pursuant to subdivision 10 will be deposited in the general fund. The commissioner shall charge an annual fee of \$13 for applications for quarterly reporting of fuel tax under this subdivision.

*[For text of subd 10, see M.S.1986]*

**Subd. 11. Reports.** Every motor carrier subject to the road tax shall, on or before the last day of April, July, October, and January, file with the commissioner such reports of operations during the previous three months as the commissioner may require and such other reports from time to time as the commissioner may deem

necessary. The commissioner by rule may exempt from the quarterly reporting requirements of this section those motor carriers whose mileage is all or substantially all and those motor carriers whose mileage is minimal within this state, or states with which Minnesota has reciprocity and require in such instances an annual report reflecting the operations of the carrier during the previous year along with payment of any taxes due.

Each report shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

Subd. 12. [Repealed, 1987 c 268 art 14 s 25]

*[For text of subds 13 to 22, see M.S.1986]*

**History:** 1987 c 268 art 14 s 21-23; 1987 c 358 s 109

## 296.18 REFUND.

*[For text of subds 1 to 6, see M.S.1986]*

Subd. 7. **Aviation gasoline tax refund claims, criminal penalty.** In addition to the penalty prescribed in subdivision 6, any person who willfully makes a false claim for any refund provided for in subdivision 4 shall be guilty of a felony. The term "person," as used in this subdivision, includes any officer or employee of a corporation or a member or employee of a partnership who, as such officer, member, or employee, is under a duty to perform the act in respect to which the violation occurs.

Notwithstanding section 628.26, or any other criminal laws of this state, an indictment may be found and filed, or a complaint filed, upon a criminal offense specified in this subdivision, in the proper courts within six years after the commission of the offense.

*[For text of subd 8, see M.S.1986]*

**History:** 1987 c 268 art 17 s 24

296.22 [Repealed, 1987 c 268 art 14 s 25]

296.28 [Repealed, 1987 c 268 art 14 s 25]

## 296.421 REVENUE PROVISIONS.

*[For text of subds 2 to 4, see M.S.1986]*

Subd. 5. **Computation of unrefunded tax.** The amount of unrefunded tax shall be a sum equal to 1-1/2 percent of all revenues derived from the excise taxes 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 January 1, 1961, and shall be paid into the state treasury on November 1 and June 1 following each six-month period.

Subd. 5a. [Repealed, 1987 c 404 s 191]

**History:** 1987 c 404 s 161