

May 12, 1965.  
Placed on Calendar.

Senate File 594  
By APPROPRIATIONS COMMITTEE.

Passed Senate, Date 5/14

Passed House, Date 5/29

Vote: Ayes 45 Nays 0

Vote: Ayes 77 Nays 5

Approved

*passed senate as amended 1/2 (52-2) Ways & means 5/18  
Be amended + pass 5/27*

## A BILL FOR

An Act to amend the motor fuel and special fuel tax laws and to provide for dispensation of such fuels with penalties involved for violation of these provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section three hundred twenty-four point seventy-  
2 three (324.73), Code 1962, is amended by adding to subsection  
3 three (3) after the words "special fuel" the following:

4 "or for any distributor or retail dealer to knowingly issue  
5 an incorrect sales slip to a purchaser or alleged purchaser for  
6 the purpose of serving as substantiation for a purchase."

1 Sec. 2. Section three hundred twenty-one point twenty-four  
2 (321.24), Code 1962, is amended by adding in subsection three  
3 (3) after the word "paid" the words, "type of fuel used".

1 Sec. 3. Section three hundred twenty-four point fifteen  
2 (324.15), Code 1962, is amended by adding at the end of subsec-  
3 tion three (3) "Any report not filed within the time allowed  
4 by the treasurer will be subject to a penalty of ten dollars."

1 Sec. 4. Section three hundred twenty-four point thirty-three  
2 (324.33), Code 1962, is amended as follows:

3 1. By adding in subsection one (1) after the word "includes"  
4 in line one (1) the words "fuel oils and".

1 Sec. 5. Section three hundred twenty-four point thirty-four  
2 (324.34), Code 1962, is amended by striking all of said section  
3 after the period in line twenty-two (22) and inserting the

4 following paragraphs.

5 "All deliveries by distributors of special fuel to be used  
6 for highway use must be made into storage connected to a sealed  
7 meter pump as licensed in said section.

8 Any delivery by a distributor of special fuel to a dealer  
9 or user into facilities other than those licensed above knowing  
10 that said fuel will be used as special fuel for highway use  
11 shall constitute a violation of this section. Any dealer or user  
12 who allows a distributor to place special fuel for highway use  
13 in facilities other than those licensed above will also be deemed  
14 in violation of this section.

15 The treasurer shall make reasonable rules and regulations  
16 governing the dispensing of special fuel at retail service sta-  
17 tions and may require that all pumps located at said stations  
18 through which fuel oil can be dispensed; be metered, inspected,  
19 tested for accuracy, sealed and licensed by the state department  
20 of agriculture, and that special fuel delivered into the fuel  
21 supply tank of any motor vehicle shall be dispensed only through  
22 these pumps.

23 All gallonage for nonhighway use, dispensed through metered  
24 pumps as licensed above, on which special fuel tax is not collected,  
25 must be substantiated by nonhighway exemption certificates as  
26 provided by the treasurer, signed by the purchaser, and retained  
27 by the dealer.

28 For the privilege of purchasing special fuel on a basis ex-  
29 empt from the special fuel tax, the purchaser shall sign non-  
30 highway exemption certificates for the gallonage claimed for  
31 nonhighway use.

32 The treasurer will disallow all sales said to be for nonhigh-

33 way use unless proof is established by the retention of said  
34 certificate. Certificates for nonhighway use sales must be  
35 retained by the dealer for a period of three years."

1 Sec. 6. Section three hundred twenty-four point sixty-one  
2 (324.61), Code 1962, is amended by adding in line eighteen (18)  
3 after the words "have been paid" the words "(d) any person  
4 selling fuel oil that can be used for highway use".

1 Sec. 7. Section three hundred twenty-four point seventy-  
2 three (324.73), Code 1962, is amended by striking subsections  
3 three (3) and six (6) and renumbering the remaining subsections.

4 Section three hundred twenty-four point seventy-three (324.73),  
5 Code 1962, is further amended by striking the last paragraph  
6 and inserting in lieu thereof the following:

7 "Any person found guilty of any of the foregoing illegal acts  
8 shall for the first offense be fined three hundred dollars, and  
9 for the second and subsequent offenses shall be fined five hun-  
10 dred dollars and all of his licenses held under the "Iowa Motor  
11 Vehicle Fuel Tax Law" shall be canceled for a period of six  
12 months."

1 Sec. 8. This Act being deemed of immediate importance shall  
2 take effect and be in force from and after its passage and pub-  
3 lication in ....., a newspaper published in .....,  
4 Iowa, and ....., a newspaper published in .....,  
5 Iowa.

SENATE FILE 594

1 Amend Senate File 594 by striking section 8 and inserting  
2 in lieu thereof the following:  
3 Sec. 8. This Act, being  
4 deemed of immediate importance shall be in full force and effect  
5 from and after its passage and publication as provided by law,  
6 in the Auburn Enterprise, a newspaper published at Auburn, Iowa,  
7 and in the Marshalltown Times-Republican, a newspaper at  
8 Marshalltown, Iowa.

Filed  
May 13, 1965.

*withdawn 5/14*

By LANGE.

SENATE FILE 594

- 1 Amend Senate File 594 as follows:
- 2 1. Strike from section 5 all of lines 8 to
- 3 14, inclusive.
- 4 2. Add to section 7 after line 3 the following:
- 5 Said section is further amended by adding a new subsection
- 6 as follows:
- 7 "Any delivery by a distributor of special fuel to a dealer or
- 8 user for purpose of evading the state tax on special fuels, into
- 9 facilities other than those licensed above knowing that said
- 10 fuel will be used as special fuel for highway use shall constitute
- 11 a violation of this section. Any dealer or user for purposes of
- 12 evading the state tax on special fuel, who allows a distributor
- 13 to place special fuel for highway use in facilities other than
- 14 those licensed above will also be deemed in violation of this
- 15 section."
- 16 3. Strike line 11 from section 7 and insert:
- 17 "Vehicle Fuel Tax Law" may, at the discretion of the court,
- 18 be canceled for a period of up to six".

Filed  
May 13, 1965.

By HAGEDORN.

SENATE FILE 594

- 1 Amend Senate File 594 by striking section 1 and renumber
- 2 the remaining sections.
- 3 Further amend Senate File 594 by striking line 3 of
- 4 section 7 and inserting in lieu thereof the following:
- 5 "six (6) and seven (7) and renumbering the remaining subsections."

Filed and adopted  
May 14, 1965.

By HAGEDORN.

SENATE FILE 594

- 1 Amend Senate File 594 by striking all of section 8 and
- 2 inserting the following:
- 3 Sec. 8. This Act being deemed of immediate importance shall
- 4 take effect and be in force from and after its passage and
- 5 publication in Burlington Hawkeye, a newspaper published in
- 6 Burlington, Iowa, and Farmer-Labor Press, a newspaper
- 7 published in Council Bluffs, Iowa.

Filed  
May 13, 1965.

By KLEFSTAD.

SENATE FILE 594

- 1 1. Amend Senate File 594, section one (1) by striking from
- 2 lines two (2) and three (3) the words "in subsection three (3)
- 3 after the word "paid" the words, "type of fuel used" and insert
- 4 the following, "line sixteen (16) after the word "paid" the
- 5 words, ", type of fuel used".
- 6 2. Section four (4) line eleven (11) strike semicolon (;)
- 7 and insert in lieu thereof a comma (,)
- 8 3. Section four (4) line twenty-one (21) insert following
- 9 the word "fuel" the following, ", dispensed through metered
- 10 pumps as licensed above."
- 11 4. Section six (6) line twenty-one (21) insert in lieu
- 12 of the word "canceled" the word "suspended".

Filed  
May 27, 1965.

WAYS AND MEANS COMMITTEE,  
ELROY MAULE, Chairman.