

House File 2798 - Introduced

HOUSE FILE 2798

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2343)

(SUCCESSOR TO HSB 561)

(COMPANION TO SF 2493 BY

COMMITTEE ON WAYS AND MEANS)

A BILL FOR

1 An Act relating to the excise tax on certain ethanol blended
2 gasoline purchased exclusively for use in an implement of
3 husbandry used in agricultural production.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 452A.16 Exempt fuel — implements
2 of husbandry.

3 1. The excise tax under section 452A.3 shall not be imposed
4 or collected on ethanol blended gasoline formulated with more
5 than eighty-five percent by volume of ethanol when purchased at
6 a terminal or refinery rack exclusively for use in an implement
7 of husbandry used in agricultural production.

8 2. A person who purchases fuel on which an excise tax is not
9 collected in accordance with subsection 1 shall substantiate
10 the purchase with an exemption certificate provided by the
11 department. The exemption certificate must be complete and
12 correct according to the requirements of the director, signed
13 by the purchaser, and retained by the supplier. A supplier
14 shall retain exemption certificates for at least three years.

15 3. The department shall disallow all sales of gallonage
16 described in this section unless proof is established by an
17 exemption certificate.

18 4. If a purchaser uses or disposes of fuel that was
19 purchased using an exemption certificate pursuant to subsection
20 2 in a nonexempt manner, the purchaser is solely liable for the
21 excise tax and shall remit the tax directly to the department.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 Under current law, the excise tax on each gallon of ethanol
26 blended gasoline classified as E-15 or higher is based on
27 the distribution percentage of those fuels compared to the
28 distribution of all nonaviation gasoline motor fuel, and
29 ranges from 24 cents to 30 cents. For motor fuel and undyed
30 special fuel used for a variety of exempt purposes under Code
31 section 452A.17, including in implements used in agricultural
32 production, a person who pays the excise tax may claim a refund
33 from the Iowa department of revenue (IDR).

34 This bill exempts ethanol blended gasoline formulated with
35 more than 85 percent by volume of ethanol from imposition and

1 collection of the excise tax when purchased at a terminal or
2 refinery rack exclusively for use in an implement of husbandry
3 used in agricultural production.

4 The bill requires a person who purchases fuel on which
5 an excise tax is not collected in accordance with the bill
6 to substantiate the purchase with an exemption certificate
7 provided by IDR. The exemption certificate must be complete
8 and correct according to the requirements of the director of
9 revenue, signed by the purchaser, and retained by the supplier.
10 A supplier must retain exemption certificates for at least
11 three years. The bill requires IDR to disallow all sales of
12 fuel described in the bill unless proof is established by an
13 exemption certificate. If a purchaser uses or disposes of
14 fuel that was purchased using an exemption certificate in a
15 nonexempt manner, the purchaser is solely liable for the excise
16 tax and is required to remit the tax directly to IDR.

17 Under current law, IDR requires similar exemption
18 certificates for tax-exempt sales of compressed natural gas,
19 liquefied natural gas, liquefied petroleum gas, hydrogen, and
20 electric fuel.