



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3846/2
JK&EVM:amn

2015 SENATE BILL 763

February 23, 2016 – Introduced by Senators ERPENBACH, MILLER, RISSER and VINEHOUT, cosponsored by Representatives KAHL, CONSIDINE, HESSELBEIN, MASON, BERCEAU, KOLSTE, SPREITZER, WACHS, A. OTT, HINTZ, MILROY and SUBECK. Referred to Committee on Transportation and Veterans Affairs.

1 **AN ACT** *to amend* 25.40 (1) (b), 78.01 (1), 78.015 (1), 78.12 (4) (a) 4. and 78.12 (4)
2 (b) 2.; and *to create* 78.018 and 78.019 of the statutes; **relating to:** increasing
3 the motor vehicle fuel tax rate to pay debt service on transportation bonding
4 and adjusting the rate by the annual average change in the consumer price
5 index.

Analysis by the Legislative Reference Bureau

This bill increases the motor vehicle fuel tax rate by five cents per gallon and uses the additional tax revenue from that increase to make payments on the debt service on contingent funding of major highway and rehabilitation projects. The bill also requires the Department of Revenue to annually adjust the rate to reflect changes in the consumer price index.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 25.40 (1) (b) of the statutes is amended to read:

SENATE BILL 763**SECTION 1**

1 25.40 (1) (b) Motor vehicle fuel and general aviation fuel taxes and other
2 revenues collected under ch. 78 minus the costs of collecting delinquent taxes under
3 s. 73.03 (28) and except as provided under s. 78.019.

4 **SECTION 2.** 78.01 (1) of the statutes is amended to read:

5 78.01 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
6 determined under ss. 78.015 ~~and, 78.017, and 78.018~~ is imposed on all motor vehicle
7 fuel received by a supplier for sale in this state, for sale for export to this state or for
8 export to this state except as otherwise provided in this chapter. The motor vehicle
9 fuel tax is to be computed and paid as provided in this chapter. Except as otherwise
10 provided in this chapter, a person who receives motor vehicle fuel under s. 78.07 shall
11 collect from the purchaser of the motor vehicle fuel that is received, and the
12 purchaser shall pay to the person who receives the motor vehicle fuel under s. 78.07,
13 the tax imposed by this section on each sale of motor vehicle fuel at the time of the
14 sale, irrespective of whether the sale is for cash or on credit. In each subsequent sale
15 or distribution of motor vehicle fuel on which the tax has been collected as provided
16 in this subsection, the tax collected shall be added to the selling price so that the tax
17 is paid ultimately by the user of the motor vehicle fuel.

18 **SECTION 3.** 78.015 (1) of the statutes is amended to read:

19 78.015 (1) Before April 1 of each year, beginning in 2016, the department shall
20 recompute and publish the rate for the tax imposed under s. 78.01 (1). The new rate
21 per gallon shall be calculated by multiplying the rate in effect at the time of the
22 calculation by the amount obtained under sub. (2). ~~After the calculation of the rate~~
23 ~~that takes effect on April 1, 2006, the department shall make no further calculation~~
24 ~~under this subsection and sub. (2).~~

25 **SECTION 4.** 78.018 of the statutes is created to read:

SENATE BILL 763

1 **78.018 Adjustment in 2016.** On April 1, 2016, the rate of the tax imposed
2 under s. 78.01 (1) is increased by 5 cents.

3 **SECTION 5.** 78.019 of the statutes is created to read:

4 **78.019 Debt service payments.** Beginning on April 1, 2016, the amount of
5 the taxes imposed under s. 78.01 (1) equal to 5 cents per gallon shall be credited to
6 the appropriation account under s. 20.395 (6) (ae).

7 **SECTION 6.** 78.12 (4) (a) 4. of the statutes is amended to read:

8 78.12 (4) (a) 4. Multiply the number of gallons under subd. 3. by the rate
9 published under s. 78.015 as increased under ~~s. ss. 78.017~~ and 78.018.

10 **SECTION 7.** 78.12 (4) (b) 2. of the statutes is amended to read:

11 78.12 (4) (b) 2. Multiply the number of gallons under subd. 1. by the rate
12 published under s. 78.015 as increased under ~~s. ss. 78.017~~ and 78.018.

13

(END)