

# HOUSE BILL 116

Q5  
HB 174/15 – W&M

6lr0483

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By: **Delegates O'Donnell, Afzali, Anderton, Arentz, Aumann, Beitzel, Buckel, Cassilly, Ciliberti, Cluster, Ghrist, Glass, Grammer, Hornberger, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, McComas, McConkey, McKay, McMillan, Metzgar, W. Miller, Morgan, Otto, Rey, Rose, Saab, Shoemaker, Vogt, and West**

Introduced and read first time: January 20, 2016

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Fuel Tax Rates – Consumer Price Index Adjustment – Repeal**

3 FOR the purpose of repealing a requirement that certain motor fuel tax rates be adjusted  
4 in future years based on growth in the Consumer Price Index for All Urban  
5 Consumers; and generally relating to motor fuel tax rates.

6 BY repealing and reenacting, with amendments,  
7 Article – Tax – General  
8 Section 9–305  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2015 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

### Article – Tax – General

14 9–305.

15 (a) Except as provided in subsection (b) of this section, the motor fuel tax rate is:

16 (1) 7 cents for each gallon of aviation gasoline;

17 (2) 23.5 cents for each gallon of gasoline other than aviation gasoline;

18 (3) 24.25 cents for each gallon of special fuel other than clean–burning fuel  
19 or turbine fuel;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) 7 cents for each gallon of turbine fuel; and

2 (5) 23.5 cents for each gasoline-equivalent gallon of clean-burning fuel  
3 except electricity.

4 (b) (1) The motor fuel tax rates specified in subsection (a)(2), (3), and (5) of this  
5 section shall be increased on July 1, 2013, [and] July 1 [of each subsequent year], **2014,**  
6 **AND JULY 1, 2015**, in accordance with this subsection.

7 (2) On or before June 1 [of each year], **2013, JUNE 1, 2014, AND JUNE 1,**  
8 **2015**, the Comptroller shall determine and announce:

9 (i) the growth in the Consumer Price Index for all urban consumers  
10 as determined by the Comptroller under paragraph (3) of this subsection; and

11 (ii) the motor fuel tax rates effective for the fiscal year beginning on  
12 the following July 1 as determined by the Comptroller under paragraph (4) of this  
13 subsection.

14 (3) (i) In this paragraph, “Consumer Price Index for all urban  
15 consumers” means the index published monthly by the Bureau of Labor Statistics of the  
16 U.S. Department of Labor that is the U.S. city average of all items in a basket of consumer  
17 goods and services.

18 (ii) The percentage growth in the Consumer Price Index for all urban  
19 consumers shall be determined by comparing the average of the index for the 12 months  
20 ending on the preceding April 30 to the average of the index for the prior 12 months.

21 (4) Subject to paragraph (5) of this subsection, on July 1 [of each year],  
22 **2013, JULY 1, 2014, AND JULY 1, 2015**, each motor fuel tax rate specified in subsection  
23 (a)(2), (3), and (5) of this section shall be increased by the amount, rounded to the nearest  
24 one-tenth of a cent, that equals the product of multiplying:

25 (i) the motor fuel tax rate in effect on the date of the Comptroller’s  
26 announcement under paragraph (2) of this subsection; and

27 (ii) the percentage growth in the Consumer Price Index for all urban  
28 consumers.

29 (5) (i) If there is a decline or no growth in the Consumer Price Index for  
30 all urban consumers, the motor fuel tax rates shall remain unchanged.

31 (ii) Any increase in the motor fuel tax rates under paragraph (4) of  
32 this subsection may not be greater than 8% of the motor fuel tax rate effective in the  
33 previous year.

1           (6)    The Comptroller shall require any person possessing tax-paid motor  
2 fuel for sale at the start of business on the date of an increase in the motor fuel tax under  
3 this subsection to compile and file an inventory of the motor fuel held at the close of  
4 business on the immediately preceding date and remit within 30 days any additional motor  
5 fuel tax that is due on the motor fuel.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
7 1, 2016.