HB2100/413029/1

BY: Delegate Schmidt

AMENDMENTS TO HOUSE BILL 2100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "**Constitutional Amendments – Election Districts of the General Assembly and Representatives in Congress and Automatic Motor Fuel Tax–Free Period**"; in line 6, strike "and"; in line 8, after "plan" insert "; providing for a motor fuel tax-free period if the year–over–year increase in the price of gasoline exceeds a certain percentage; and limiting the frequency of motor fuel tax-free periods to not more than once per calendar year"; and after line 14, insert:

"BY proposing an addition to the Maryland Constitution
Article XV - Miscellaneous
Section 4".

AMENDMENT NO. 2

On page 2, after line 25, insert:

"**Article XV – Miscellaneous**

4.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "QUALIFYING FUELS" MEANS GASOLINE OTHER THAN AVIATION GASOLINE, EACH GALLON OF SPECIAL FUEL OTHER THAN CLEAN–BURNING FUEL OR TURBINE FUEL, AND EACH GASOLINE GALLON EQUIVALENT OF CLEAN–BURNING FUEL EXCEPT ELECTRICITY.

(3) "QUALIFYING RETAILERS" MEANS SELLERS OF QUALIFYING FUELS TO END–USE CONSUMERS.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE DAILY AVERAGE RETAIL PRICE PER GALLON OF A QUALIFYING FUEL INCREASES BY 25% OR MORE AS COMPARED TO THE PRICE PER GALLON 365 DAYS PRIOR, THERE SHALL BE A 60-DAY MOTOR FUEL TAX-FREE PERIOD DURING WHICH THE MOTOR FUEL TAX IMPOSED DOES NOT APPLY TO QUALIFYING FUELS SOLD BY QUALIFYING RETAILERS.

(2) (I) THE 60-DAY MOTOR FUEL TAX-FREE PERIOD BEGINS THE DAY FOLLOWING THE DAY THAT THE YEAR–OVER–YEAR INCREASE IN THE DAILY AVERAGE RETAIL PRICE PER GALLON IS 25% OR MORE.

(II) A 60-DAY MOTOR FUEL TAX-FREE PERIOD MAY NOT OCCUR MORE THAN ONCE EACH CALENDAR YEAR.

(C) SALES OF QUALIFYING FUELS MADE TO QUALIFYING RETAILERS OR END–USE CONSUMERS FOR DELIVERY DURING THE MOTOR FUEL TAX–FREE PERIOD MAY NOT INCLUDE THE MOTOR FUEL TAX.

(D) QUALIFYING RETAILERS MAY RECEIVE A REFUND ADVANCE FOR THE MOTOR FUEL TAX PREVIOUSLY PAID TO SUPPLIERS ON PURCHASES OF QUALIFYING FUELS.

(E) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MOTOR FUEL TAX–FREE PERIOD SHALL BE REFLECTED IN FULL ON SALES TO END–USE CONSUMERS OF QUALIFYING FUELS.”.

On page 3, in line 13, strike “and”; and in line 15, after “laws” insert “; provides for a 60-day motor fuel tax-free period if the year–over–year price increase in certain qualifying motor fuels is 25% or more; and limits the frequency of a 60-day motor fuel tax-free period to not more than once per calendar year”.