

**2016 -- S 2989 SUBSTITUTE A**

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LC005955/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2016**

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX

Introduced By: Senators P Fogarty, Nesselbush, Miller, Morgan, and Kettle

Date Introduced: May 10, 2016

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 31-36-1 of the General Laws in Chapter 31-36 entitled "Motor Fuel  
2 Tax" is hereby amended to read as follows:

3           **31-36-1. Definitions.** -- Terms in this chapter and chapter 37 of this title are construed as  
4 follows:

5           (1) "Administrator" means the tax administrator.

6           (2) "Distributor" includes any person, association of persons, firm, or corporation,  
7 wherever resident or located, who shall import or cause to be imported into this state, for use or  
8 for sale, fuels, and also any person, association of persons, firm or corporation who shall produce,  
9 refine, manufacture, or compound fuels within this state.

10          (3) "Filling station" includes any place, location, or station where fuels are offered for  
11 sale at retail.

12          (4) "Fuels" includes gasoline, benzol, naphtha, and other volatile and inflammable  
13 liquids (other than lubricating oils, diesel fuel for the propulsion of marine craft, fuels used for the  
14 propulsion of airplanes, oils used for heating purposes, manufactured biodiesel fuel as defined in  
15 subdivision (14) of this section), used or suitable for use for operating or propelling motor  
16 vehicles with internal combustion engines. This does not include benzol and naphtha sold or used  
17 for a purpose other than for the operation or propulsion of motor vehicles [or propane used for the](#)  
18 [generation of electricity](#). Any article or product represented as gasoline for use in internal  
19 combustion type engines, used in motor vehicles, shall be equal to or better in quality and

1 specification than that known as "United States government motor gasoline."

2 (5) "Investigator and examiner" means any person appointed by the tax administrator to  
3 act as an investigator and examiner.

4 (6) "Owner" includes any person, association of persons, firm, or corporation offering  
5 fuels for sale at retail.

6 (7) "Peddlers" means any person, association of persons, firm or corporation, except a  
7 distributor as defined in this chapter, who shall distribute gasoline by tank wagon in this state.

8 (8) "Public highways" includes any state or other highway and any public street, avenue,  
9 alley, park, parkway, driveway, or public place in any city or town.

10 (9) "Pump" includes any apparatus or machine for raising, driving, exhausting, or  
11 compressing fluids, and used in the sale and distribution of fuels.

12 (10) "Purchaser" includes any person, association of persons, firm, or corporation,  
13 wherever resident or located, who purchases fuels from a distributor, for use or resale, and any  
14 person, association of persons, firm or corporation who purchases from a distributor, gasoline or  
15 other volatile and inflammable liquids (other than lubricating oils and oils used for heating  
16 purposes) for use other than for propelling motor vehicles.

17 (11) "Retail dealer" means any person, association of persons, firm, or corporation  
18 operating a filling station as herein defined in this chapter for the sale or dispensing of motor fuel  
19 by delivery into service tank or tanks of any highway motor vehicle which is propelled by an  
20 internal combustion motor, other than the highway motor vehicle belonging to the person owning  
21 or operating the place of business; provided, however, that sales by a manufacturer or distributor  
22 shall not constitute them retail dealers.

23 (12) "State highways" includes only those public highways or those parts of them that  
24 shall be constructed or maintained by the department of transportation.

25 (13) "United States government motor gasoline" means that gasoline which is or may be  
26 prescribed by the federal specification board of the United States government for use as a fuel for  
27 motor vehicle, motor boat, and similar engines.

28 (14) "Manufactured biodiesel fuel" means: (i) Mono-alkyl esters of long chain fatty acids  
29 derived from vegetable oils or animal fats which conform to ASTM D6751 specifications for use  
30 in diesel engines; (ii) That results in employment at a fixed location at a manufacturing facility  
31 for biodiesel fuel; and (iii) Any volume of biodiesel fuel that is subsequently blended with other  
32 fuels and is used for heating purposes or for operating or propelling motor vehicles  
33 notwithstanding the portion of biodiesel blended into any fuel, only the biodiesel portion of the  
34 fuel shall be exempt from taxation under chapter 31-36.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
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- 1           This act would exclude propane used for the generation of electricity from the definition
- 2 of fuels for tax purposes applied pursuant to the motor fuel tax.
- 3           This act would take effect upon passage.

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