

MOTOR FUEL TAX ACT (EXCERPT)
Act 403 of 2000

***** 207.1006.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2015 IF THE
CONDITION IN ENACTING SECTION 2 OF ACT 468 OF 2014 IS MET *****

207.1006.amended Definitions; T to W.

Sec. 6. As used in this act:

(a) "Tank wagon" means a straight truck having 1 or more compartments other than the fuel supply tank designed or used to carry motor fuel.

(b) "Tank wagon operator-importer" means a person who operates a tank wagon and imports motor fuel into this state from another state.

(c) "Tax" means a tax, interest, or penalty levied under this act.

(d) "Terminal" means a motor fuel storage and distribution facility that meets all of the following requirements:

(i) Is registered as a qualified terminal by the internal revenue service.

(ii) Is supplied by pipeline or marine vessel.

(iii) Has a rack from which motor fuel may be removed.

(e) "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

(f) "Transmix" means the mixed product that results from the buffer or interface of 2 different products in a pipeline shipment, or a mixture of 2 different products within a refinery or terminal that results in an off-grade mixture.

(g) "Transport truck" means a semitrailer combination rig designed or used for the purpose of transporting motor fuel over the public roads or highways.

(h) "Transporter" means an operator of a railroad or rail car, tank wagon, transport truck, or other fuel transportation vehicle engaged in the business of transporting motor fuel below the terminal rack.

(i) "Two-party exchange" means a transaction in which motor fuel is transferred from 1 licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier where all of the following occur:

(i) The transaction includes a transfer from the person who holds the original inventory position for motor fuel in the terminal as reflected in the records of the terminal operator.

(ii) The exchange transaction is completed before removal across the rack from the terminal by the receiving licensed supplier or licensed permissive supplier.

(iii) The terminal operator in its books and records treats the receiving exchange party as the supplier that removes the product across a terminal rack for purposes of reporting the transaction to the department.

(j) "Ultimate vendor" means the person who sells motor fuel to the end user of the fuel.

(k) "Wholesale diesel fuel price" means the price per gallon of self-serve undyed No. 2 ultra-low sulfur diesel fuel charged by a licensed supplier to a purchaser at the time of removal from a terminal across the rack, as determined by the department, based on available pricing data that best reflect or approximate Michigan rack prices as reported by the United States energy information administration, the oil price information service, or a similar nationally recognized source for such pricing data, whether publicly available or available only by subscription. Wholesale diesel fuel price does not include the tax imposed by this act, prepaid sales tax under section 6a of the general sales tax act, 1933 PA 167, MCL 205.56a, federal excise tax under section 4081 of the internal revenue code, 26 USC 4081, any other federal tax upon motor fuel, or an environmental protection regulatory fee imposed under section 21508 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21508.

(l) "Wholesale gasoline price" means the price per gallon of self-serve unleaded regular gasoline charged by a licensed supplier to a purchaser at the time of removal from a terminal across the rack, as determined by the department, based on available pricing data that best reflect or approximate Michigan rack prices as reported by the United States energy information administration, the oil price information service, or a similar nationally recognized source for such pricing data, whether publicly available or available only by subscription. Wholesale gasoline price does not include the tax imposed by this act, prepaid sales tax under section 6a of the general sales tax act, 1933 PA 167, MCL 205.56a, federal excise tax under section 4081 of the internal revenue code, 26 USC 4081, any other federal tax upon motor fuel, or an environmental protection regulatory fee imposed under section 21508 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21508.

(m) "Wholesaler" means a person who acquires motor fuel from a supplier or from another wholesaler for subsequent sale and distribution at wholesale by a fuel transportation vehicle, rail car, or other motor vehicle.

History: 2000, Act 403, Eff. Apr. 1, 2001;—Am. 2014, Act 468, Eff. (pending).

Compiler's note: Enacting section 2 of Act 468 of 2014 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."