

CHAPTER 268
HB 1142-FN-A – FINAL VERSION

12Feb2014... 0402h
26Mar2014... 1168h
15May2014... 1900EBA

2014 SESSION

14-2266
10/04

HOUSE BILL ***1142-FN-A***

AN ACT relative to the road toll for alternative fuels.

SPONSORS: Rep. Bouchard, Merr 18; Rep. Graham, Hills 7; Rep. Ebel, Merr 5; Sen. Watters,
Dist 4; Sen. Stiles, Dist 24

COMMITTEE: Public Works and Highways

ANALYSIS

This bill imposes the road toll on alternative fuels, such as compressed natural gas, liquefied natural gas, and propane, and requires alternative fuel dealers to be licensed by the department of safety to collect and remit the road toll.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the road toll for alternative fuels.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 268:1 New Sections; Definitions; Alternative Fuel, Dealer, and Dispenser. Amend RSA 259
2 by inserting after section 3-c the following new sections:

3 259:3-d Alternative Fuel. “Alternative fuel” means any source of fuel, other than motor fuel and
4 electricity, used to propel a motor vehicle over the ways of the state. Alternative fuel shall include,
5 but not be limited to, compressed natural gas, liquefied natural gas, and propane.

6 259:3-e Alternative Fuel Dealer. “Alternative fuel dealer” means any person who sells,
7 produces, or refines alternative fuel for use in a motor vehicle as defined in RSA 259:60, IV and who
8 has an alternative fuel dispenser at the person’s facility. Alternative fuel dealers shall not include
9 persons who sell, produce, or refine alternative fuel specifically for non-highway purposes.

10 259:3-f Alternative Fuel Dispenser. “Alternative fuel dispenser” shall mean a machine
11 specifically used at an alternative fuel dealer that is used to pump compressed natural gas, liquid
12 natural gas, propane, or other types of alternative fuel directly into a motor vehicle for use on the
13 ways of the state. Alternative fuel dispenser shall not include machines that are not designed to
14 dispense alternative fuel directly into a motor vehicle.

15 268:2 New Section; Definition; Motor Fuel Equivalent Gallon. Amend RSA 259 by inserting
16 after section 58-a the following new section:

17 259:58-b Motor Fuel Equivalent Gallon. “Motor fuel equivalent gallon” means the volume of
18 alternative fuel it takes to equal the energy content of one gallon of gasoline or special fuel. The
19 commissioner of safety shall adopt in rules under RSA 260:57 the applicable conversion rates for
20 motor fuel equivalent gallons for compressed natural gas, liquid natural gas, and propane based on
21 nationally recognized standards for weights and measures.

22 268:3 New Section; Levy of Road Toll on Alternative Fuels. Amend RSA 260 by inserting after
23 section 32-b the following new section:

24 260:32-c Levy of Road Toll on Alternative Fuels. There is hereby imposed a road toll on
25 alternative fuels, as defined in RSA 259:3-d and sold by licensed alternative fuel dealers, on the
26 motor fuel equivalent gallon, as defined in RSA 259:58-b, for such alternative fuel at the rate per
27 gallon established in RSA 260:32. The alternative fuel road toll shall be subject to the exemptions
28 provided for by RSA 260:32, I-V and the refund provisions as provided in RSA 260:47, RSA 260:52-b,
29 and RSA 260:52-e.

30 268:4 New Section; Alternative Fuel Dealers. Amend RSA 260 by inserting after section 36-d
31 the following new section:

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1 260:36-e Application for License as an Alternative Fuel Dealer.

2 I. It shall be unlawful for any person to sell or use alternative fuel upon which the road toll
3 imposed and collected under this subdivision has not been paid, unless the person is the holder of a
4 valid license to engage in business as a dealer of alternative fuels. To procure an alternative fuel
5 dealer license, an application, signed subject to prosecution for unsworn falsification and
6 accompanied by a bond, shall be filed with the department in such form as the commissioner may
7 prescribe. Once approved, the department shall issue a license certificate valid only for the dealer in
8 whose name issued. The license shall be unassignable and shall remain in full force and effect from
9 the date of issuance through June 30 unless cancelled, suspended, or revoked. The license shall be
10 renewable upon completion of an annual application renewal form, provided that the dealer is in
11 good standing with the division. Renewals are effective July 1 through June 30.

12 II. A person who has facilities for placing alternative fuel into the supply system of an
13 internal combustion engine fueled by individual portable containers of 10 gallons or less is not
14 required to be licensed as an alternative fuel dealer, provided that the fuel is only used for exempt
15 purposes.

16 III. Any person who acts as an alternative fuel dealer and who does not hold a valid license
17 issued under paragraph I shall pay a penalty of \$500 for each month of operation without a license or
18 a penalty of 10 percent of the tax assessed on the total purchases made during the unlicensed period,
19 whichever is greater. This penalty shall immediately accrue and shall bear interest as specified in
20 RSA 260:40-a.

21 IV. When an alternative fuel dealer license application is filed by a person whose previous
22 license was canceled for cause by the department, or the department believes that such application
23 was not filed in good faith, or is filed by another person as a subterfuge for the actual person in
24 interest whose previous license has been canceled, the department may, if evidence warrants, refuse
25 to issue a license for such an application.

26 V. An alternative fuel dealer shall:

27 (a) Collect and remit road tolls as provided in this subdivision.

28 (b) File in the same manner as a distributor in accordance with RSA 260:38.

29 (c) Be subject to the same penalty for failure to report or pay road toll in accordance with
30 RSA 260:40.

31 268:5 Effective Date. This act shall take effect January 1, 2015.

32 Approved: July 28, 2014

Effective Date: January 1, 2015