

By Mr. Magnani, a petition (accompanied by bill, Senate, No. 333) of David P. Magnani for legislation to promote the application of scientific principles and technical advances to increase automobile fuel efficiency and reduce global warming. Energy.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT TO PROMOTE THE APPLICATION OF SCIENTIFIC PRINCIPLES AND TECHNICAL ADVANCES TO INCREASE AUTOMOBILE FUEL EFFICIENCY AND REDUCE GLOBAL WARMING

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 6. Chapter 64H of the General Laws, as appearing in
2 the 1992 Official Edition, is hereby amended by inserting after
3 section 2A the following new section:—

4 Section 2B. Notwithstanding the provisions of section two and
5 section four of this chapter, the excise imposed upon the sale of
6 any new passenger automobile, van, or light truck in the
7 Commonwealth shall be at a rate between zero and ten percent of
8 the gross receipts of the vendor for each such automobile, van, or
9 light truck.

10 The commissioner of energy resources shall establish annually
11 following a hearing, a schedule of 1) size classes for such vehicles
12 and 2) the fuel efficiencies, within each size class, of such vehi-
13 cles. The commissioner shall, for the purposes of determining size
14 classes, rely upon size classes determined by the federal govern-
15 ment. The commissioner shall, for the purpose of determining the
16 fuel efficiency for gasoline or diesel-fueled vehicles, rely upon the
17 miles per gallon ratings for city driving as determined by the fed-
18 eral government. The commissioner shall establish a separate
19 schedule for models powered by fuels other than gasoline or
20 diesel in such a way as to minimize fuel emissions and to promote
21 fuel or efficiency.

22 The commissioner of revenue, after consultation with the regis-
23 trar of motor vehicles and commissioner of energy resources and
24 after holding a public hearing, shall establish annually an excise
25 rate schedule for all models within each size class of new pas-
26 senger automobiles, vans and light trucks based upon the schedule
27 of relative fuel efficiencies established by the commissioner of
28 energy resources, in order to encourage the purchase of the least
29 carbon dioxide emitting and most fuel-efficient vehicles within
30 each size class. The model or models that achieve the highest fuel-
31 efficiency regardless of size class, shall be assessed at zero
32 percent, and the model or models that achieve the least fuel-
33 efficiency regardless of class shall be assessed at ten percent.
34 In setting the range of excise rates for all other models, the com-
35 missioner of revenue shall primarily consider the extent to which
36 models vary in fuel efficiency within each size class; the commis-
37 sioner may also consider the fuel efficiency of each size class in
38 comparison to other size classes. The commissioner shall use data
39 on past sales patterns of vehicle models in the Commonwealth and
40 may make such assumptions as to future consumer behavior as the
41 commissioner deems necessary; provided, that the commissioner
42 shall annually adjust the excise rates so the total excise tax on
43 sales collected for all new passenger automobiles, vans and light
44 trucks shall average five percent per vehicle over time.

45 A seller of any new passenger automobile, van or light truck in
46 the Commonwealth shall prominently display the excise rate
47 assigned by the commissioner for that automobile, van or light
48 truck.

49 The excise tax display shall contain, across its top, in characters
50 no smaller than one-half inch in height, the following message:

51 "The Commonwealth of Massachusetts has set the following
52 sales tax rate for this vehicle model:"

53 Such statement shall be followed by the assigned excise tax
54 rate, to be expressed as a percentage of the sales price of the
55 vehicle, in characters no smaller than four inches in height.

56 Below said excise tax rate, in characters no smaller than one
57 quarter inch in height, shall appear the following message:

58 "This rate is based upon the fuel efficiency of this model in
59 comparison primarily with other vehicle models of its size class.
60 Under Massachusetts law, the sales tax for vehicle models ranges

61 from zero percent for the most fuel-efficient vehicles to ten per-
62 cent for the least fuel efficient vehicles. See price sticker for the
63 actual EPA mileage estimate for this vehicle.”

64 The commissioner of energy resources shall cause periodic
65 inspections to be made of motor vehicle dealers in order to ensure
66 compliance with this section. Said commissioner shall also cause
67 investigation to be made of complaints received concerning viola-
68 tions of this section. The commissioner shall report the results of
69 any inspections or investigations to the attorney general. The
70 attorney general may institute proceedings to enforce the provi-
71 sions of this section.

72 Failure to comply with any of the provisions of this section
73 shall constitute an unfair or deceptive act or practice under the
74 provisions of chapter ninety-three A. Any person who violates any
75 provision of this section shall be punishable by a civil penalty of
76 not more than five hundred dollars for each offense or as provided
77 in chapter ninety-three A, whichever is greater. Each violation of
78 this section shall constitute a separate offense, and each day such
79 violation continues shall constitute a separate offense.

80 The commissioner of revenue, after consulting with the com-
81 missioner of energy resources and the registrar of motor vehicles,
82 and after holding a public hearing, shall develop a methodology
83 for determining the excise rates for vehicles covered by this sec-
84 tion and shall, by May first, nineteen hundred and ninety-three
85 make a report of such methodology to the ways and means com-
86 mittees of the house and senate of the General Court. The com-
87 missioner of revenue and the commissioner of energy resources
88 shall monitor the effects of the excise established herein on motor
89 vehicle sales in the Commonwealth and on revenue yields, and by
90 December thirty-first of each year shall file with the joint com-
91 mittee on energy of the General Court and with the house and
92 senate committees on ways and means reports on the status of
93 these effects and on any recommendations which the said commis-
94 sioners deem appropriate for achieving or maintaining the goals of
95 this program.

96 The provisions of this section shall take effect for all sales of
97 new passenger automobiles, vans and light trucks occurring on or
98 after September first nineteen hundred and ninety-five.

1 SECTION 7. Section 3 of said chapter 64H is hereby amended
2 by striking out subsection C and inserting in place thereof the
3 following:—

4 C) The excise imposed by sections two and two A upon sales at
5 retail of motor vehicles or trailers shall be paid by the purchaser to
6 the registrar of motor vehicles in the manner prescribed by the
7 commissioner of revenue. The vendor thereof shall not add the tax
8 to the sales price and shall not collect the tax from the purchaser.
9 The vendor thereof shall, however, furnish to the purchaser, to the
10 registrar, and to said commissioner a sworn statement of the sale
11 upon a form prescribed by said commissioner, with the approval
12 of the commissioner, giving such information as the commissioner
13 may require for the determination of such tax. Any person giving
14 false or fraudulent information as to any material fact in the sworn
15 statement required by this section shall be subject to a penalty of
16 not more than five hundred dollars for each violation; such
17 penalty shall be in addition to any penalty imposed by chapter
18 sixty-two C, chapter ninety-three A, or other provisions of the
19 General Laws. For the purpose of this paragraph, the term motor
20 vehicle means any self-propelled vehicle designed for use and
21 used primarily upon the highways.

1 SECTION 8. The first sentence of section 4 of said chapter 64H
2 is hereby amended by striking the word "For", in line 1, and
3 inserting in place thereof the following words:— Except for the
4 tax imposed by section two A, for.

1 SECTION 9. The first sentence of section 2 of chapter 641 of
2 the General Laws, as appearing in the 1992 Official Edition, is
3 hereby amended by inserting, in line 14, after the word "services"
4 the following words:— provided, however, that, notwithstanding
5 the provisions of section five of this chapter, in the case of a pas-
6 senger automobile, van, or light truck, the applicable rate shall be
7 determined in accordance with the provisions of section two A of
8 chapter sixty-four H.

1 SECTION 10. Section 4 of said chapter 641 is hereby amended
2 by adding at the end of the second paragraph, in line forty-two,
3 the following:— Any person giving false or fraudulent informa-
4 tion as to any material fact in the sworn statement required by this

5 section shall be liable for a penalty of not more than five hundred
6 dollars for each violation; such penalty is to be in addition to any
7 penalty imposed by chapter sixty-two C, chapter ninety-three A,
8 or other provisions of the General Laws.

1 SECTION 11. Motor vehicles owned and operated by the com-
2 monwealth, as they are removed from service, shall only be
3 replaced with vehicles that have above average fuel efficiency for
4 new vehicles in their size classes as determined pursuant to sec-
5 tion two A of chapter sixty-four H or with alternative fuel vehicles
6 as defined by the commissioner of energy resources, provided that
7 the commissioner of energy resources has determined that such
8 purchases of alternative fuel vehicles are be cost effective and will
9 result in net improvements in air quality in comparison with com-
10 parable conventional fuel vehicles. The commissioner may grant a
11 waiver from the requirements of this section for any vehicle that
12 the commonwealth needs to purchase where such a waiver is
13 necessary to protect the public safety.

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CHAPTER I

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