

HOUSE BILL No. 2214

By Committee on Transportation

2-8

Proposed Amendments to HB 2214
For Committee on Transportation
February 21, 2019
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Office of Revisor of Statutes

1 AN ACT concerning the motor-fuel tax law; relating to the definition of
2 school bus; amending K.S.A. 2018 Supp. 79-3401 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 79-3401 is hereby amended to read as
7 follows: 79-3401. This act, and amendments thereto, shall be known and
8 may be cited as the "motor-fuel tax law," and as so constituted is
9 hereinafter referred to as "this act." The following words, terms and
10 phrases, when used in this act, shall have the meanings ascribed to them in
11 this section, except in those instances clearly indicating a different
12 meaning:

13 (a) "Aviation fuel" means motor fuels for use as fuel for aircraft;

14 (b) "agricultural ethyl alcohol" means a motor-vehicle fuel
15 component with a purity of at least 99%, exclusive of any added
16 denaturants, denatured in conformity with one of the methods approved by
17 the United States department of the treasury, bureau of alcohol, tobacco
18 and firearms, and distilled in the United States of America from grain
19 produced in the United States of America;

20 (c) "bulk plant" means a motor fuels storage facility, other than a
21 terminal, that is primarily used to redistribute motor fuels;

22 (d) "dealer" means any person engaged in the retail sale of motor-
23 vehicle fuels or special fuels;

24 (e) "director" means the director of taxation, a duly authorized
25 deputy, agent or representative;

26 (f) "distributor" means any person, who:

27 (1) Imports or causes to be imported from any other state or territory
28 of the United States motor-vehicle fuels or special fuels for such person's
29 own use in the state of Kansas, or for sale and delivery therein, after the
30 same shall have come to rest or storage therein, whether or not in the
31 original package, receptacle or container; or

32 (2) imports or causes to be imported, from a foreign country, motor-
33 vehicle fuels or special fuels for such person's own use in the state of
34 Kansas, or for sale and delivery therein, after the same shall have come to
35 rest or storage, whether or not in the original package, receptacle or
36 container;

1 gasoline, drip gasoline, aviation gasoline, gasohol, gasoline-oxygenate
 2 blend and any other spark-ignition motor fuel as defined by the 1995
 3 United States department of commerce, national institute of standards and
 4 technology handbook 130 issued December of 1994, and as may
 5 subsequently be defined in rules and regulations ~~which that~~ the director
 6 may adopt pursuant to K.S.A. 79-3419, and amendments thereto;
 7 (m) "oil inspector" means the director of taxation, a duly authorized
 8 deputy, agent or representative;

9 (n) "person" means every natural person, association, partnership,
 10 limited partnership, limited liability company or corporation. When used
 11 in any statute, prescribing and imposing a fine or imprisonment, or both,
 12 the term "person" as applied to firms and associations means the partners
 13 or members thereof and, as applied to corporations, the corporation and the
 14 officers thereof;

15 (o) "public highways" means and includes every way or place, of
 16 whatever nature, generally open to the use of the public as a matter of
 17 right, for the purposes of vehicular travel and notwithstanding that the
 18 same shall have been temporarily closed for the purpose of construction,
 19 reconstruction or repair;

20 (p) "received" means motor-vehicle fuel or special fuel produced,
 21 refined, prepared, distilled, manufactured, blended or compounded at any
 22 refinery or other place, in the state of Kansas by any person, or imported
 23 into this state from any other state, territory, or foreign country by pipeline
 24 or connecting pipeline at a pipeline terminal or pipeline tank farm for
 25 storage, shall be deemed to be "received" by such person ~~thereat~~ when the
 26 same shall have been loaded at such refinery, pipeline terminal, pipeline
 27 tank farm or other place, into tank cars, tank trucks or other container, or
 28 placed in any tank from which any withdrawals are made direct into tank
 29 cars, tank trucks or other types of transportation equipment, containers or
 30 facilities;

31 (q) "retailer" means a person that engages in the business of selling or
 32 distributing motor fuels to the end user;

33 (r) "school bus" means every bus ~~as defined by K.S.A. 8-1406, and~~
 34 ~~amendments thereto, which motor vehicle that is:~~ (1) Privately owned and
 35 contracted for, leased or hired by a school district or nonpublic school for
 36 the transportation of pupils, ~~students or school personnel~~ to or from school
 37 or to or from school-related functions or activities; or (2) owned and
 38 operated by a school district or nonpublic school ~~which that~~ is registered
 39 under the provisions of K.S.A. 8-126 et seq., and amendments thereto,
 40 used for the transportation of pupils, ~~students or school personnel~~ to or
 41 from school or to or from school-related functions or activities;

42 (s) "special fuels" means all combustible liquids suitable for the
 43 generation of power for the propulsion of motor vehicles including, but not

