

## Session 121 - (2015-2016)

### S 0523 General Bill, By Cleary

#### Summary: SC Carolina Collective Road Act

A BILL TO AMEND CHAPTER 28, TITLE 12 OF THE 1976 CODE, RELATING TO MOTOR FUELS SUBJECT TO USER FEES, SO AS TO ENACT THE "SOUTH CAROLINA COLLECTIVE ROAD ACT"; TO AMEND SECTION 12-28-310 OF THE 1976 CODE, RELATING TO USER FEES ON GASOLINE AND DIESEL FUEL, TO PROVIDE FOR INDEXING OF THE MOTOR FUEL USER FEE TO ADJUST FOR INFLATION, BUT NOT TO INCREASE MORE THAN ONE AND ONE-HALF CENT IN A SINGLE YEAR, AND TO PROVIDE THAT BEGINNING JULY 1, 2015, THE USER FEE SHALL INCREASE BY TEN CENTS; TO AMEND SECTION 56-1-140 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF LICENSES AND RELATED FEES, TO INCREASE THE FEE FOR A FIVE-YEAR LICENSE TO TWENTY-FIVE DOLLARS, AND TO INCREASE THE FEE FOR A TEN-YEAR LICENSE TO FIFTY DOLLARS, AND TO PROVIDE FOR THE ALLOCATION OF THE FUNDS RECEIVED; TO AMEND SECTION 56-3-620 OF THE 1976 CODE, RELATING TO FEES FOR PRIVATE PASSENGER MOTOR VEHICLES, TO INCREASE THE FEE FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER WHO ARE HANDICAPPED TO THIRTY-SIX DOLLARS, TO INCREASE THE FEE FOR PERSONS UNDER THE AGE OF SIXTY-FIVE FOR EVERY PRIVATE PASSENGER MOTOR VEHICLE TO FORTY DOLLARS, TO INCREASE THE FEE FOR PERSONS WHO ARE SIXTY-FOUR YEARS OF AGE OR OLDER FOR A PROPERTY-CARRYING VEHICLE WITH A GROSS WEIGHT OF SIX THOUSAND POUNDS OR LESS TO FORTY-EIGHT DOLLARS, AND TO INCREASE THE FEE FOR PERSONS WHO ARE SIXTY-FOUR YEARS OF AGE FOR A PRIVATE PASSENGER MOTOR VEHICLE TO THIRTY-EIGHT DOLLARS, AND TO ALLOCATE THE INCREASE IN FUNDS RECEIVED UNDER THIS SECTION; TO AMEND SECTION 56-3-130, RELATING TO THE EXEMPTION OF CERTAIN TRAILERS, TO PROVIDE THAT BOAT TRAILERS UNDER TWENTY-FIVE HUNDRED POUNDS, LANDSCAPING EQUIPMENT TRAILERS, AUTOMOBILE UTILITY TRAILERS, AND OTHER PRIVATELY OWNED UTILITY TRAILERS, BUT NOT INCLUDING FARM TRAILERS, SHALL BE REGISTERED WITH THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT SHALL COLLECT A REGISTRATION FEE FOR EACH TRAILER, WHICH SHALL BE CREDITED TO THE STATE HIGHWAY FUND; TO AMEND SECTION 56-3-400, RELATING TO AUTOMOBILE UTILITY TRAILERS, TO ADD A CODE SECTION; TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, TO PROVIDE THAT MOTOR VEHICLES POWERED EXCLUSIVELY BY ELECTRICITY, HYDROGEN, OR ANY OTHER FUEL OTHER THAN MOTOR FUEL, SHALL PAY A ROAD USER FEE, TO PROVIDE THAT MOTOR VEHICLES POWERED BY A COMBINATION OF MOTOR FUEL SUBJECT TO MOTOR FUEL USER FEES AND ELECTRICITY, HYDROGEN, OR ANY FUEL OTHER THAN MOTOR FUEL SHALL BE SUBJECT TO A ROAD USER FEE, AND TO PROVIDE FOR THE DIRECTION OF FUNDS RECEIVED PURSUANT TO THIS SECTION; TO AMEND SECTION 12-37-2810, RELATING TO MOTOR CARRIERS, TO ADD DEFINITIONS FOR COMMERCIAL MOTOR VEHICLE, LARGE COMMERCIAL MOTOR VEHICLE, SMALL COMMERCIAL MOTOR VEHICLE, AND SOUTH CAROLINA APPORTIONMENT FACTOR; TO AMEND CHAPTER 37, TITLE 12 OF THE 1976 CODE, RELATING TO MOTOR CARRIERS, TO PROVIDE THAT THE PROVISIONS CONTAINED IN THIS ARTICLE DO NOT APPLY TO SMALL COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 12-37-2820 OF THE 1976 CODE, RELATING TO THE ASSESSMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ASSESS THE VALUATION OF ALL LARGE COMMERCIAL MOTOR VEHICLES AND BUSES OF MOTOR CARRIERS REGISTERED FOR USE IN THIS STATE; TO AMEND SECTION 12-37-2830 OF THE 1976 CODE, RELATING TO THE DETERMINATION OF VALUE BASED ON RATIO, TO PROVIDE THAT LARGE COMMERCIAL MOTOR VEHICLES AND BUSES ARE SUBJECT TO A ROAD USER FEE IN LIEU OF A PROPERTY TAX, DETERMINED BY THE APPORTIONMENT FACTOR FOR THE FLEET OF WHICH THE COMMERCIAL VEHICLE IS A PART; TO AMEND SECTION 12-37-2840 OF THE 1976 CODE, RELATING TO THE FILING OF PROPERTY TAX RETURNS, TO PROVIDE THAT A MOTOR CARRIER REGISTERING A LARGE COMMERCIAL MOTOR VEHICLE OR BUS SHALL PAY THE ROAD USE FEE DUE ON THE VEHICLE AT THE TIME AND IN THE MANNER THE PERSON PAYS A REGISTRATION FEE ON HIS VEHICLE AND A HIGHWAY INFRASTRUCTURE IMPROVEMENT FEE INSTEAD OF FILING PROPERTY TAXES; TO AMEND SECTION 12-37-2850 OF THE 1976 CODE, RELATING TO THE ASSESSMENT OF TAXES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ASSESS ANNUALLY THE ROAD USE FEE DUE ON LARGE COMMERCIAL MOTOR VEHICLES AND BUSES FOR THE PRECEDING YEAR BY JULY FIRST OF EACH YEAR, AND TO PROVIDE FOR THE METHOD OF CALCULATION OF THE FEE; TO AMEND SECTION 12-37-2860 OF THE 1976 CODE, RELATING TO ONE-TIME FEES, TO PROVIDE THAT ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF SEMITRAILERS AND TRAILERS IS EXEMPT FROM PROPERTY TAX, TO PROVIDE THAT THE FEE IS IN LIEU OF ANY LOCAL ROAD USE FEE, REGISTRATION FEES, OR ANY OTHER VEHICLE-RELATED FEE IMPOSED BY A POLITICAL SUBDIVISION OF THIS STATE ON A TRAILER OR SEMITRAILER, AND TO PROVIDE FOR THE MANNER IN WHICH FEES MAY BE PAID; TO AMEND CHAPTER 37, TITLE 12 OF THE 1976

CODE, TO PROVIDE FOR THE DISTRIBUTION OF THE FEE REVENUES; TO AMEND SECTION 12-37-2870, RELATING TO THE DISTRIBUTION FORMULA, TO PROVIDE THAT THE DISTRIBUTION OF FEE REVENUES SHALL BE PURSUANT TO SECTION 12-37-2865(B); TO AMEND SECTION 12-37-2880, RELATING TO AD VALOREM TAXES, TO PROVIDE THAT ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF ALL LARGE COMMERCIAL MOTOR VEHICLES AND BUSES ARE EXEMPT FROM PROPERTY TAX AND INSTEAD SUBJECT TO THE ROAD USE FEE; TO AMEND SECTION 56-3-376, RELATING TO THE SYSTEM OF REGISTRATION FOR MOTOR VEHICLES, TO PROVIDE FOR A CLASSIFICATION PERTAINING TO LARGE COMMERCIAL VEHICLES AND BUSES; TO AMEND SECTION 56-3-120(5) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM REGISTRATION AND LICENSING, TO PROVIDE THAT A TRAILER OR SEMITRAILER COMMONLY USED IN COMBINATION WITH A LARGE COMMERCIAL MOTOR VEHICLE FOR WHICH THE FEE ON THE TRAILER OR SEMITRAILER HAS BEEN PAID, IS EXEMPT; TO AMEND SECTION 56-3-610 OF THE 1976 CODE, RELATING TO THE PAYMENT OF BIENNIAL REGISTRATION AND LICENSE FEES, TO PROVIDE THAT A LARGE COMMERCIAL MOTOR VEHICLE OR BUS ON WHICH THE ROAD USE FEE IS IMPOSED IS REQUIRED TO BE REGISTERED AND LICENSED ANNUALLY; TO AMEND SECTION 56-3-660 OF THE 1976 CODE, RELATING TO FEES FOR SELF-PROPELLED PROPERTY CARRYING VEHICLES, TO PROVIDE THAT THE FEES FOR LICENSING AND REGISTRATION MAY BE CREDITED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-3-660(E) OF THE 1976 CODE, TO PROVIDE THAT THE DEPARTMENT MAY REGISTER A LARGE COMMERCIAL MOTOR VEHICLE FOR THE PAYMENT OF ONE-HALF OF THIS STATE'S PORTION OF THE LICENSE AND ROAD FEE; TO AMEND SECTION 58-23-620, RELATING TO SITUATIONS IN WHICH LOCAL FEES MAY OR MAY NOT BE IMPOSED, TO PROVIDE FOR ALLOCATION IF A MUNICIPALITY OR COUNTY IMPOSES A LICENSE FEE OR TAX; TO AMEND ARTICLE 21, CHAPTER 37, TITLE 12 OF THE 1976 CODE, TO PROVIDE THAT MOTOR CARRIERS ARE EXEMPT FROM AD VALOREM TAXES IMPOSED PURSUANT TO THIS CHAPTER ON LARGE COMMERCIAL MOTOR VEHICLES AND BUSES; TO AMEND SECTION 12-37-2610 OF THE 1976 CODE, RELATING TO TAX NOTICES AND PAID RECEIPTS, TO PROVIDE THAT LARGE COMMERCIAL MOTOR VEHICLES AND BUSES MUST PAY ROAD USE FEES IN LIEU OF AD VALOREM PROPERTY TAXES; TO AMEND THE FIRST PARAGRAPH OF SECTION 12-37-2650, TO PROVIDE THAT LARGE COMMERCIAL MOTOR VEHICLES AND BUSES MUST PAY ROAD USE FEES IN LIEU OF AD VALOREM PROPERTY TAXES; TO AMEND SECTION 56-3-660(A) OF THE 1976 CODE, RELATING TO FEES FOR SELF-PROPELLED PROPERTY CARRYING VEHICLES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY REGISTER AND LICENSE SMALL COMMERCIAL MOTOR VEHICLES AND TO PROVIDE FOR THE FEES; TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, TO DEFINE RECREATION VEHICLE, TO PROVIDE THAT A PERSON REGISTERING A MOTOR VEHICLE, MOTORCYCLE, OR RECREATIONAL VEHICLE MUST PAY AN INITIAL ROAD IMPACT REGISTRATION FEE EQUAL TO FIVE PERCENT OF THE GROSS PROCEEDS OF THE SALE OF THE MOTOR VEHICLE, NOT TO EXCEED FOURTEEN HUNDRED DOLLARS, TO PROVIDE FOR EXCLUSIONS FROM THIS FEE, TO CREATE A TRANSFER FEE APPLICABLE ON THE SALE OF A MOTOR VEHICLE, MOTORCYCLE, OR RECREATION VEHICLE, TO PROVIDE FOR THE ALLOCATION OF THE REVENUE WITH THE FIRST TWENTY MILLION OF REVENUE DISTRIBUTED TO THE EDUCATION IMPROVEMENT ACT FUND AND THE REMAINING FUNDS TO THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT SEVEN HUNDRED FIFTY THOUSAND DOLLARS SHALL BE DISTRIBUTED TO EACH COUNTY TRANSPORTATION COMMITTEE, AND TO PROVIDE FOR A LOCAL MATCH OPTION, AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY GIVE EACH COUNTY ANY SECONDARY ROADS IT DOES NOT KEEP IN ITS SYSTEM; TO AMEND SECTION 12-28-2740(B) OF THE 1976 CODE, RELATING TO THE DISTRIBUTION OF GASOLINE USER FEES AMONG COUNTIES, TO PROVIDE THAT A COUNTY TRANSPORTATION COMMITTEE MUST BE APPOINTED HALF BY THE COUNTY LEGISLATIVE DELEGATION AND HALF BY THE CITY COUNCIL; TO AMEND CHAPTER 36, TITLE 12 OF THE 1976 CODE, TO PROVIDE THAT A HIGHWAY IMPROVEMENT AND SAFETY FEE EQUAL TO SIX PERCENT OF THE APPLICABLE CHARGES IS IMPOSED UPON THE REPAIR OR LABOR OF A TRANSPORTATION VEHICLE AND TOWING OF A VEHICLE OR ANCILLARY ROAD SERVICES, AND TO PROVIDE FOR DEFINITIONS FOR PURPOSES OF THAT SECTION; TO AMEND SECTION 12-6-545(B)(2), BY REDUCING AND THEN ELIMINATING THE INCOME TAX IMPOSED BY THAT SECTION; TO AMEND SECTION 12-36-2120, TO REPEAL VARIOUS SALES TAX EXEMPTIONS IMPOSED BY THAT SECTION; CHAPTER 11, TITLE 11 OF THE 1976 CODE IS AMENDED BY ADDING SECTION 11-11-240, TO DIRECT REVENUES RAISED BY THE REPEAL OF VARIOUS SALES TAX EXEMPTIONS IN SECTION 12-36-2120 TO BE CREDITED TO THE STATE HIGHWAY FUND AND TO REQUIRE THE BOARD OF ECONOMIC ADVISORS TO MAKE ANNUAL ESTIMATES OF THE REVENUE RAISED BY THE REPEAL OF VARIOUS SALES TAX EXEMPTIONS IN SECTION 12-36-2120; TO AMEND SECTION 12-36-2110(A) OF THE 1976 CODE, RELATING TO MAXIMUM TAXES ON SALES OR LEASES, TO PROVIDE THAT A TRANSFER FEE OF FIVE PERCENT OF THE FAIR MARKET VALUE, NOT TO EXCEED ONE THOUSAND DOLLARS, MUST BE COLLECTED UPON

THE SALE OF AN AIRCRAFT, BOAT, OR SELF-PROPELLED LIGHT CONSTRUCTION EQUIPMENT, TO PROVIDE THAT IN THE CASE OF A LEASE, A TOTAL FEE EQUAL TO THE LESSER OF FIVE PERCENT OF THE VALUE OF THE LEASE OR ONE THOUSAND DOLLARS, TO PROVIDE FOR THE MANNER OF COLLECTION OF THE FEE, AND TO PROVIDE FOR THE ALLOCATION OF THE REVENUE GENERATED PURSUANT TO THIS SECTION; TO AMEND SECTION 11-43-130(6) OF THE 1976 CODE TO CHANGE THE DEFINITION OF ELIGIBLE PROJECT TO CLARIFY ELIGIBLE PROJECTS MUST BE SELECTED FROM THE DEPARTMENT OF TRANSPORTATION'S LONG-RANGE STATEWIDE TRANSPORTATION PLAN; AND TO AMEND SECTION 57-1-140 OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO REPEAL SECTION 6 OF ACT 114 OF 2007 REMOVING THE SUNSET PROVISION FOR THE GOVERNOR'S APPOINTMENT AUTHORITY.

- 03/05/15 Senate Introduced and read first time (Senate Journal-page 7)**
- 03/05/15 Senate Referred to Committee on Finance (Senate Journal-page 7)**
- 03/26/15 Senate Committee report: Majority favorable with amend., minority unfavorable Finance (Senate Journal-page 15)**
- 03/26/15 Senate Motion For Special Order Failed (Senate Journal-page 39)**
- 03/26/15 Senate Roll call Ayes-23 Nays-22 (Senate Journal-page 39)**
- 03/27/15 Scrivener's error corrected**
- 05/11/16 Senate Recommitted to Committee on Finance (Senate Journal-page 4)**