

LEGISLATIVE BILL 397

Approved by the Governor May 2, 1973

Introduced by Clark, 47

AN ACT to amend sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, and section 66-428, Revised Statutes Supplement, 1972, relating to motor fuel dealers' bonds; to change certain security requirements; to correct defective language; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 66-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-404. Every applicant, except as provided in section 3 of this act, will be required to furnish bond in the sum of not less than one thousand dollars and not more than fifteen thousand dollars. The amount of the bond shall be fixed and determined by the Tax Commissioner, in approximately two times the average monthly tax liability of the applicant.

Sec. 2. That section 66-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-609. No special fuel dealer's license shall be issued to any person or continued in force unless such person, except as provided in section 3 of this act, has furnished a surety bond in such form and amount as the motor fuel tax administrator may require, but in a sum not less than one thousand dollars and not more than fifteen thousand dollars, to secure his compliance with the provisions of sections 66-601 to 66-640, and the payment of any and all taxes, including interest and penalties due and to become due under the provisions of sections 66-601 to 66-640. The amount of bond shall be fixed and determined by the motor fuel tax administrator, in approximately two times the average monthly tax liability of the applicant.

Sec. 3. (1) Whenever any person is the holder of two or more licenses or permits at a single location or two or more licenses at various locations issued under the provisions of Chapter 66, article 4, and Chapter 66,

article 6, such person may make application to the Tax Commissioner for the privilege to file and maintain a combined security. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such dealer is liable, whether such liability was incurred prior to or after such security is filed. The form and amount of such combined security shall be fixed and determined by the Tax Commissioner, but such combined security shall be for an amount not less than the cumulative total of the amount of the individual securities required for each license or permit in accordance with the provisions of sections 66-404, 66-410.03, and 66-609; Provided, that none of the maximum limits specified in such sections shall be applicable to the combined security.

(2) The Tax Commissioner may grant to the person the privilege to file and maintain a combined security when he determines that it is in the best interest of the state and when the granting of such privilege will not jeopardize the collection of the tax, penalty, and interest due or to become due under the individual licenses or permits held by such person.

(3) The Tax Commissioner shall prescribe such forms and regulations as he may deem necessary in order that the tax, penalty, and interest due or to become due under the individual licenses and permits be guaranteed by the combined security and the various factors necessary for determination of the amounts of combined securities be proper and uniform.

(4) Nothing contained in this section shall prohibit the person from applying for or the Tax Commissioner granting the privilege of filing and maintaining a combined security for a portion of the permits or licenses held by such person. In such case, the permits or licenses not covered by the combined security shall be guaranteed by an individual security issued under the license or permit in accordance with the provisions of sections 66-404, 66-410.03, and 66-609.

Sec. 4. That section 66-428, Revised Statutes Supplement, 1972, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of eight and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after January 1, 1973, shall be five and one half cents per gallon on

motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and eight and one half cents per gallon on gasoline which does not contain such a blend. ~~Use~~ Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 5. The provisions of this act shall become operative on January 1, 1974.

Sec. 6. That original sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, and section 66-428, Revised Statutes Supplement, 1972, are repealed.