

1-1 By: Springer S.B. No. 1438
1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Finance; May 8, 2023,
1-4 reported favorably by the following vote: Yeas 14, Nays 2;
1-5 May 8, 2023, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Huffman	X		
1-9	Hinojosa	X		
1-10	Bettencourt	X		
1-11	Campbell		X	
1-12	Creighton	X		
1-13	Flores	X		
1-14	Hall	X		
1-15	Hancock	X		
1-16	Hughes	X		
1-17	Kolkhorst	X		
1-18	Nichols		X	
1-19	Paxton	X		
1-20	Perry	X		
1-21	Schwertner	X		
1-22	West	X		
1-23	Whitmire		X	
1-24	Zaffirini	X		

1-25 A BILL TO BE ENTITLED
1-26 AN ACT

1-27 relating to a credit or refund for diesel fuel taxes paid on diesel
1-28 fuel used in this state by auxiliary power units or power take-off
1-29 equipment.

1-30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-31 SECTION 1. Section 162.227, Tax Code, is amended by adding
1-32 Subsection (d-1) to read as follows:

1-33 (d-1) A license holder may take a credit on a return for the
1-34 period in which the purchase occurred, and a person who does not
1-35 hold a license may file a refund claim with the comptroller, if the
1-36 license holder or person paid tax on diesel fuel and the diesel fuel
1-37 is used in this state by auxiliary power units or power take-off
1-38 equipment on any motor vehicle. If the quantity of that diesel fuel
1-39 can be accurately measured while the motor vehicle is stationary by
1-40 any metering or other measuring device or method designed to
1-41 measure the fuel separately from fuel used to propel the motor
1-42 vehicle, the comptroller may approve and adopt the use of the device
1-43 as a basis for determining the quantity of diesel fuel consumed in
1-44 those operations for a tax credit or tax refund. If there is no
1-45 separate metering device or other approved measuring method, the
1-46 license holder may take the credit and the person who does not hold
1-47 a license may claim the refund on a percentage of the diesel fuel
1-48 consumed by each motor vehicle equipped with an auxiliary power
1-49 unit or power take-off equipment. The comptroller shall determine
1-50 the percentage of diesel fuel for which the credit or refund may be
1-51 claimed. The climate-control air conditioning or heating system of
1-52 a motor vehicle that has a primary purpose of providing for the
1-53 convenience or comfort of the operator or passengers is not a power
1-54 take-off system, and a credit or refund may not be allowed for the
1-55 tax paid on any portion of the diesel fuel that is used for that
1-56 purpose. A credit or refund may not be allowed for the diesel fuel
1-57 tax paid on that portion of the diesel fuel that is used for idling.

1-58 SECTION 2. This Act takes effect September 1, 2023.

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