

AN ACT

RELATING TO TAXATION; PROVIDING FOR A REFUND OF SPECIAL FUEL
EXCISE TAX PAID ON SPECIAL FUEL USED TO PROPEL A SCHOOL BUS
AUTHORIZED BY A PUBLIC SCHOOL DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-16A-13.1 NMSA 1978 (being Laws
2001, Chapter 43, Section 2, as amended) is amended to read:

"7-16A-13.1. CLAIM FOR REFUND OF SPECIAL FUEL EXCISE
TAX PAID ON SPECIAL FUEL.--

A. Upon the submission of proof satisfactory to
the department, a user of special fuel, other than a holder of
a bulk storage user permit, may submit and the department may
allow a claim for refund of tax paid on special fuel used to
propel a vehicle authorized by contract with the public
education department or with a public school district as a
school bus, to propel a vehicle off-road, to operate auxiliary
equipment by a power take-off from the main engine or
transmission of a vehicle or to operate a nonautomotive
apparatus mounted on a vehicle when the special fuel used for
such purposes and the special fuel used to propel the vehicle
on the highways are drawn from a common supply tank. The
vehicle must be registered with the department. The user must
be registered with the department for purposes of reporting
and paying gross receipts tax.

B. No person may submit claims for refund pursuant to the provisions of this section more frequently than quarterly. No claim for refund may be submitted or allowed on less than one hundred gallons.

C. The department may prescribe the documents necessary to support a claim for refund pursuant to the provisions of this section. The department may prescribe the use of types of monitoring or measuring equipment.

D. This section applies to special fuel purchased on or after July 1, 2001, except for the refund for special fuel used to propel a school bus, which applies to special fuel purchased on or after July 1, 2005."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006. _____