A BILL TO BE ENTITLED
AN ACT

To amend various provisions of the Official Code of Georgia Annotated so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to create the Special Joint Committee on Georgia Revenue Structure; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to require an annual report from the Department of Transportation; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to levy a registration fee on alternative fueled vehicles; to amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to reduce the state income tax credits for low-emission vehicles to zero; to provide for the elimination of state sales and use taxes with respect to certain sales of motor fuels; to revise the exemption from sales and use taxes for jet fuel; to provide for revised definitions of certain terms relating to prepaid motor fuel taxes; to provide a limit on local sales taxes on motor fuels; to change the rate and method of computation of the excise tax on motor fuels; to repeal the second motor fuel tax; to provide for editorial revision; to provide for a state fee on hotel or motel room rentals; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," so as to provide revised criteria for determination of eligible projects by the Transportation Infrastructure Bank; to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxation, so as to change certain provisions relating to the special district transportation sales and use tax pursuant to the Transportation Investment Act of 2010; to provide for future levies to be at a fractional rate; to change procedures and requirements regarding the future imposition of such tax; to change certain provisions regarding the ceiling on the amount of local sales and use taxes; to provide for an additional transportation special purpose local option sales and use tax by counties and municipalities; to provide for definitions, procedures, conditions, and...
limitations for the imposition, collection, disbursement, and termination of the tax; to provide for powers, duties, and authority of the state revenue commissioner; to provide for a short title; to provide for appropriations of increases in revenue; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended by adding a new chapter to read as follows:

CHAPTER 12

28-12-1.

(a) There is created the Special Joint Committee on Georgia Revenue Structure which shall consist of 14 members as follows:

1. The President Pro Tempore of the Senate and the Speaker Pro Tempore of the House of Representatives;
2. The majority leader of the Senate and the majority leader of the House of Representatives;
3. The minority leader of the Senate and the minority leader of the House of Representatives;
4. The chairpersons of the Senate Finance Committee and the House Committee on Ways and Means;
5. Three members of the Senate to be appointed by the President of the Senate, two from the majority party and one from the minority party; and
6. Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party.

(b) The Special Joint Committee on Georgia Revenue Structure shall elect two persons, one Senator and one Representative, to serve as co-chairpersons of the special joint committee.
(a) The Special Joint Committee on Georgia Revenue Structure created in Code Section 28-12-1 shall during the 2016 legislative session cause to be introduced in the House of Representatives one or more bills or resolutions relating to tax reform, and such legislation shall, after its introduction, be referred directly and only to the special joint committee.

(b) If the special joint committee recommends that one or more bills or resolutions referred to it do pass or do pass by committee substitute, the measure or measures recommended by the special joint committee shall then be in order for consideration only by the House of Representatives at any time fixed by the Speaker of the House of Representatives. Any such bill or resolution shall be reported directly to the floor of the House of Representatives and shall receive an up or down vote as reported from the special joint committee without amendment.

(c) If one or more bills or resolutions referred by the special joint committee are passed by the House of Representatives, the measure or measures shall then be in order for consideration only by the Senate at any time fixed by the President of the Senate. Any such bill or resolution shall be reported directly to the floor of the Senate and shall receive an up or down vote as reported from the House of Representatives without amendment.

(d) Any bills or resolutions considered as provided for in this Code section shall be read three times on three separate days in each house and shall be considered in compliance with all other requirements of the Constitution.

(e) The rules of the Senate and the House of Representatives for the 2016 legislative session may, as adopted or as amended, contain such provisions as may be necessary or appropriate to comply with the legislative process specified by this Code section.

This chapter shall stand repealed by operation of law on July 1, 2016.”

PART II
SECTION 2-1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by adding a new Code section to read as follows:

“32-5-27.1.
(a) In addition to the requirements contained in Code Section 32-5-27, the department shall annually prepare and submit to the General Assembly, for approval by the Senate Transportation Committee and the House Committee on Transportation, a ten-year strategic plan that outlines the use of department resources for the upcoming fiscal years.
(b) The Senate Transportation Committee and the House Committee on Transportation shall approve the plan and may make recommendations to the Senate Appropriations Committee and the House Committee on Appropriations for their consideration in developing the budget.

(c) Such plan shall identify at least the following categories and establish a target percentage of resources to be expended and the respective fund sources in each of the following areas:

1. Construction of new highway projects;
2. Maintenance of existing infrastructure;
3. Bridge repairs and replacement;
4. Safety enhancements; and
5. Administrative expenses.

(d) Priority shall be given to expenditure of available resources for maintenance, expansion, and improvement of highway infrastructure in the areas of this state most impacted by traffic congestion and to areas of this state in need of highway infrastructure to aid in attracting economic development to the area.

(e) Such plan shall also bring forward all efficiencies found within the bureaucracy of the Department and how those funds have been redirected to road construction.”

PART III

SECTION 3-1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (7) of subsection (l) of Code Section 40-2-86.1, relating to certain special license plates, as follows:

"(7)(A) A special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of the state except that the commissioner shall place a distinctive logo or emblem on the license plate which shall distinguish the vehicle as an alternative fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section 32-9-4. The words 'alternative fueled vehicle' shall be imprinted on such special license plate in lieu of the county name decal. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) As used in this paragraph, the term:

(i) 'Alternative fuel' means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more or such other percentage, but not less than 70 percent, as determined by the United States secretary of energy, by rule as it existed on
January 1, 1997, to provide for requirements relating to cold start, safety, or vehicle functions, by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than alcohol derived from biological materials; electricity including electricity from solar energy; and any other fuel the United States secretary of energy determined by rule as it existed on January 1, 1997, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits electricity, natural gas, and propane.

(ii) ‘Alternative fueled vehicle’ means: (I) Any vehicle fueled solely by alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel; or (II) A hybrid vehicle, which means a motor vehicle which draws propulsion energy from onboard sources of stored energy which include an internal combustion or heat engine using combustible fuel and a rechargeable energy storage system; and, in the case of a passenger automobile or light truck, means for any 2000 and later model, a vehicle which has received a certificate of conformity under the Clean Air Act, 42 U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying California low-emission vehicle standard under Section 243(c)(2) of the Clean Air Act, 42 U.S.C. Section 7583(e)(2), for that make and model year or, for any 2004 and later model, a vehicle which has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under Section 202(i) of the Clean Air Act, 42 U.S.C. Section 7521(i), for that make and model year vehicle and which achieves a composite label fuel economy greater than or equal to 1.5 times the Model Year 2002 EPA composite class average for the same vehicle class and which is made by a manufacturer.

(C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the applicant for a special license plate for any alternative fueled vehicle shall provide proof that he or she has paid the registration fee prescribed therein prior to the issuance of any special license plate under this paragraph."

SECTION 3-2.

Said title is further amended by adding a new paragraph to subsection (a) of Code Section 40-2-151, relating to the annual license fees for the operation of vehicles, to read as follows:

"(19)(A)(i) Upon registration of an alternative fueled vehicle not operated for commercial purposes ........................................ 200.00

(ii) Upon registration of an alternative fueled vehicle operated for commercial purposes ........................................ 300.00"

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(B)(i) As used in this paragraph, the term 'alternative fueled vehicle' shall have the same meaning as in division (l)(7)(B)(ii) of Code Section 40-2-86.1; provided, however, that the fees in this paragraph shall not be assessed on vehicles which operate primarily on compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

(ii) The fees in this paragraph shall be in addition to any other fee imposed on the vehicle by this Code section.

(iii) The fees in this paragraph shall be automatically adjusted on an annual basis by multiplying the percentage of increase or decrease in fuel efficiency from the previous year as measured by using the average of combined miles per gallon published in the United States Department of Energy Fuel Economy Guide against the current fee, and the resulting increase or decrease shall be added or subtracted from the fee. This preliminary fee adjustment shall then be multiplied by the increase or decrease in the Consumer Price Index percentage for the applicable year, and the result will be added or subtracted from the preliminary fee to produce the fee for the year. The first adjustment shall be calculated and implemented on July 1, 2016. The Consumer Price Index shall no longer be used after July 1, 2018."

SECTION 3-3.

Said title is further amended by adding a new Code section to read as follows:

"40-2-151.1. (a) As used in this Code section, the term 'transportation purposes' means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including general obligation debt and other multiyear obligations issued to finance such purposes.

(b) In conjunction with the payment of fees for the licensing of the operation of vehicles pursuant to Code Section 40-2-151, certain heavy vehicles registered in Georgia shall pay a highway impact fee. The annual fees shall be as follows for each such vehicle registered:

(1) 15,500 lbs. up to 26,000 lbs. ...................................... $  50.00
(2) Greater than 26,001 lbs. ...................................... 100.00

(c) It is the intention of the General Assembly, subject to appropriations, that the fees collected pursuant to subsection (b) of this Code section shall be made available and used exclusively for transportation purposes in this state.

(d) If the amount collected under this Code section is ever not appropriated for a fiscal year as provided by subsection (c) of this Code section, as determined jointly by the House
Budget and Research Office and the Senate Budget and Evaluation Office, then the amount collected shall be reduced by 50 percent. Upon the conclusion of a second fiscal year in which an amount is not so appropriated, this Code section shall stand repealed and reserved, and such fees shall cease to be collected, on the date the appropriations Act for such fiscal year becomes effective. Such budget offices shall certify any such lack of appropriation to the Code Revision Commission for purposes of updating the Code in accordance with this subsection."

PART IV

SECTION 4-1.

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, is amended by revising Code Section 45-12-22, relating to the Governor's authority to suspend the collection of taxes, as follows:

"45-12-22.

(a) Except as provided in subsection (b) of this Code section, the Governor may suspend the collection of taxes, or any part thereof, due the state until the meeting of the next General Assembly but no longer; but he or she shall not otherwise interfere with the collection of taxes.

(b) Unless there has been a state of emergency declaration by the Governor, the Governor shall not suspend or modify in any manner the collection of any rate of state motor fuel under Code Section 48-9-3 as it applies to sales of motor fuel and aviation gasoline as such terms are defined in Code Section 48-9-2. Any suspension or modification of any rate of state motor fuel taxes under this subsection by the Governor shall be effective only until the next meeting of the General Assembly which must ratify such suspension or modification by a two-thirds' vote of both chambers. In the event the General Assembly fails to ratify the Governor's actions, state motor fuel taxes under this subsection shall be collected at the rate specified absent such suspension or modification and any amounts unpaid due to such suspension or modification shall be collected using such rate."

PART V

SECTION 5-1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (b) of Code Section 48-7-40.16, relating to state income tax credits for low-emission vehicles, as follows:
"(b)(1) A tax credit is allowed against the tax imposed under this article to a taxpayer for
the purchase or lease of a new low-emission vehicle or new zero emission vehicle that
is registered in the State of Georgia. The amount of the credit shall be:

(1) For any new low-emission vehicle, 10 percent of the cost of such vehicle or
$2,500.00, whichever is less; and
(2) For any new zero emission vehicle, 20 percent of the cost of such vehicle or
$5,000.00, whichever is less.

(2) For any new low-emission vehicle or new zero emission vehicle purchased or leased
on or after July 1, 2015, the amount of the credit shall be $0.00."

SECTION 5-2.

Said title is further amended by revising paragraphs (23) and (24) of Code Section 48-8-2,
relating to definitions regarding state sales and use taxes, as follows:

'(23) 'Prepaid local tax' means any local sales and use tax which is levied on the sale or
use of motor fuel and imposed in an area consisting of less than the entire state, however
authorized, including, but not limited to, such taxes authorized by or pursuant to
constitutional amendment; by or pursuant to Section 25 of an Act approved March 10,
1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid
Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of this chapter.
Such tax is based on the same average retail sales price as set forth in subparagraph
(b)(2)(B) of Code Section 48-9-14 as compiled by the Energy Information Agency of the
United States Department of Energy, the Oil Pricing Information Service, or a similar
reliable published index less taxes imposed under Code Section 48-9-3 and all local sales
and use or excise taxes levied on motor fuel. Such price shall be used to compute the
prepaid sales tax rate for local jurisdictions by multiplying such retail price by the
applicable rate imposed by the jurisdiction. The person collecting and reporting the
prepaid local tax for the local jurisdiction shall provide a schedule as to which jurisdiction
these collections relate. This determination shall be based upon the shipping papers of
the conveyance that delivered the motor fuel to the dealer or consumer in the local
jurisdiction. A seller may rely upon the representation made by the purchaser as to which
jurisdiction the shipment is bound and prepare shipping papers in accordance with those
instructions.

(24) 'Prepaid state tax' means the tax levied under Code Section 48-8-30 in conjunction
with Code Section 48-8-3.1 and Code Section 48-9-14 on the retail sale of motor fuels
for highway use and collected prior to that retail sale. This tax is based upon the average
retail sales price as set forth in Code Section 48-9-14 Reserved."
SECTION 5-3.

Said title is further amended by revising paragraph (33.1) of Code Section 48-8-3, relating to exemptions from state sales and use taxes, as follows:

"(33.1)(A) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport, to the extent provided in subparagraphs (B) and (C) of this paragraph.

(B)(i) For the period of time beginning July 1, 2011, and ending June 30, 2012, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from state sales and use tax until the aggregate state sales and use tax liability of the taxpayer during such period with respect to jet fuel exceeds $20 million, computed as if the exemption provided in this division was not in effect during such period. Thereafter during such period, the exemption provided by this division shall not apply to the sale or use of jet fuel to or by the qualifying airline. For purposes of this division, the terms 'qualifying airline' and 'qualifying airport' shall have the same meanings as those terms were defined under the prior provisions of this paragraph as it existed immediately prior to July 1, 2012:

(ii) For the period of time beginning July 1, 2012, and ending on June 30, 2015, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from 1 percent of the 4 percent state sales and use tax.

(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have the same meaning as set forth in subparagraph (E) of this paragraph.

(D) Except as provided for in subparagraph (C) of this paragraph, this exemption shall not apply to any other local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, not to exceed the rate at which such taxes were levied as of January 1, 2014, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Part 2 of Article 3 or Article 2, 2A, or 4 of this chapter.

(E) For purposes of division (ii) of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airline' shall mean any person which is authorized by the Federal Aviation Administration or appropriate agency of the United States to operate as an air carrier under an air carrier operating
certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire.

(F) For purposes of division (ii) of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, the term 'qualifying airport' means a certificated air carrier airport in Georgia.

(G) On or after July 1, 2017, revenue derived from the levy of sales and use taxes on jet fuel shall be used for a state aviation program or airport related purposes to the extent required to comply with 49 U.S.C. Sections 47107(b) and 47113. Any portion of such revenue so derived which is in excess of the amount required for purposes of such compliance with federal law may be appropriated by the General Assembly for other purposes.

(G)(H) The commissioner shall adopt rules and regulations to carry out the provisions of this paragraph;”

SECTION 5-4.

Said title is further amended by revising subsections (a) and (b) of Code Section 48-8-3.1, relating to sales tax exemptions as applied to motor fuels, as follows:

“(a) Except as provided in subsection (b) of this Code section, sales of motor fuels as defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the first 3 percent of the state sales and use taxes levied or imposed by this article and shall be subject to the remaining 1 percent of the sales and use taxes levied or imposed by this article.

(b) Sales of motor fuel other than gasoline, which motor fuel other than gasoline is purchased for purposes other than propelling motor vehicles on public highways as defined in Article 1 of Chapter 9 of this title shall be fully subject to the 4 percent state sales and use taxes levied or imposed by this article unless otherwise specifically exempted by this article.”

SECTION 5-5.

Said title is further amended by revising subsection (k) of Code Section 48-8-30, relating to the imposition, rate, and collection of state sales tax, as follows:

“(k) The prepaid local tax shall be imposed at the time tax is imposed under subparagraph (b)(2)(B) of Code Section 48-9-14 under Code Section 48-9-3.”

SECTION 5-6.

Said title is further amended by revising paragraph (2) of subsection (b) of Code Section 48-8-49, relating to dealers' returns as gross proceeds of sales and purchases, as follows:
"(2) If the tax liability of a dealer in the preceding calendar year was greater than $60,000.00 excluding local sales taxes, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. This subsection shall not apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14."

SECTION 5-7.

Said title is further amended by revising paragraphs (2), (3), and (4) of subsection (b) of Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax, as follows:

"(2) With respect to each certificate of registration number on such return, a deduction of one-half of 1 percent of that portion exceeding $3,000.00 of the combined total amount of all sales and use taxes reported due on such return for each location other than the taxes specified in paragraph (3) of this subsection; and

(3) With respect to each certificate of registration number on such return, a deduction of 3 percent of the combined total amount due of all sales and use taxes on motor fuel as defined under paragraph (9) of Code Section 48-9-2, which are imposed under any provision of this title, including, but not limited to, sales and use taxes on motor fuel imposed under any of the provisions described in subsection (f) of this Code section, but not including Code Section 48-9-14; and

(4) A deduction with respect to Code Section 48-9-14, as defined in Code Section 48-8-2, shall be at the rate of one-half of 1 percent of the total amount due of the prepaid state tax reported due on such return, so long as the return and payment are timely, regardless of the classification of tax return upon which the remittance is made."

SECTION 5-8.

Said title is further amended by revising Code Section 48-8-82, relating to authorization of counties and municipalities to impose a joint sales and use tax, as follows:

"48-8-82.

(a) When the imposition of a joint county and municipal sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district and each qualified municipality located wholly or partially within the special district shall levy a joint sales and use tax at the rate of 1 percent, except as provided in subsection (b) of this
Code section. Except as to rate, the joint tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article, except that the joint tax provided in this article shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(b) On or after July 1, 2015, such joint sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than $3.00 per gallon."

SECTION 5-9.

Said title is further amended by revising subsection (b) of Code Section 48-8-102, relating to the creation of special districts and use of proceeds of the homestead option sales and use tax, as follows:

"(b)(1) When the imposition of a local sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district shall levy a local sales and use tax at the rate of 1 percent, except as provided in paragraph (2) of this subsection. Except as to rate, the local sales and use tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the sales and use tax levied pursuant to this article, except that the sales and use tax provided in this article shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(2) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than $3.00 per gallon."

SECTION 5-10.

Said title is further amended by revising subsection (c) of and by adding a new subsection to Code Section 48-8-110.1, relating to the authorization for a county special purpose local option sales tax, to read as follows:

"(c) Except as provided in subsection (d) of this Code section, any tax imposed under this part shall be at the rate of 1 percent. Except as to rate, a tax imposed under this part
shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction
which is not subject to taxation under Article 1 of this chapter shall be subject to a tax
imposed under this part, except that a tax imposed under this part shall apply to sales of
motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be
applicable to the sale of food and food ingredients and alcoholic beverages as provided for
in Code Section 48-8-3.

(d) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as
defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
the motor fuel which is not more than $3.00 per gallon.”

SECTION 5-11.

Said title is further amended by revising Code Section 48-8-141, relating to imposition of a
sales tax for educational purposes, as follows:

“48-8-141.

(a) Except as otherwise expressly provided in Article VIII, Section VI, Paragraph IV of
the Constitution of Georgia, the sales tax for educational purposes which may be levied by
a board of education of a county school district or concurrently by the board of education
of a county school district and the board of education of each independent school district
located within such county shall be imposed and levied by such board or boards of
education and collected by the commissioner on behalf of such board or boards of
education in the same manner as provided for under Part 1 of this article and the provisions
of Part 1 of this article in particular, but without limitation, the provisions regarding the
authority of the commissioner to administer and collect this tax, retain the 1 percent
administrative fee, and promulgate rules and regulations governing this tax shall apply
equally to such board or boards of education. The report required pursuant to Code Section
48-8-122 shall be applicable; provided, however, that in addition to posting such report in
a newspaper of general circulation as required by such Code section, such report may be
posted on the searchable website provided for under Code Section 50-6-32.

(b) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as
defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
the motor fuel which is not more than $3.00 per gallon.”

SECTION 5-12.

Said title is further amended by revising subsection (c) of and adding a new subsection to
Code Section 48-8-201, relating to the intergovernmental agreement for the distribution of
tax proceeds from the water and sewer projects sales tax, as follows:

“(c) In the event a tax imposed under this article is imposed only by the municipality:
(1) No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall apply to:

(A) Sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2;
(B) The sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3;
(C) The sale of natural or artificial gas used directly in the production of electricity which is subsequently sold, notwithstanding paragraph (70) of Code Section 48-8-3; and
(D) The furnishing for value to the public of any room or rooms, lodgings, or accommodations which is subject to taxation under Article 3 of Chapter 13 of this title; and

(2) A tax imposed under this article shall not apply to the sale of motor vehicles.”

“(e) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than $3.00 per gallon.”

SECTION 5-13.

Said title is further amended by revising Code Section 48-9-3, relating to an excise tax on motor fuel, as follows:

“48-9-3.

(a)(1) An excise tax is imposed at the rate of 7 1/2¢ 26¢ per gallon on distributors who sell or use motor fuel, other than diesel fuel, within this state. An excise tax is imposed at the rate of 29¢ per gallon on distributors who sell or use diesel fuel within this state.

It is the intention of the General Assembly that the legal incidence of the tax be imposed upon the distributor.

(1.1)(A) Beginning on July 1, 2016, and annually thereafter, the amount of this excise tax per gallon on distributors shall be automatically adjusted on an annual basis in accordance with this paragraph.

(B) Using 2014 as a base year, the department shall determine the average miles per gallon of all new vehicles registered in this state pursuant to Code Section 48-5C-1 using the average of combined miles per gallon published in the United States Department of Energy Fuel Economy Guide. Beginning on July 1, 2016, and each year thereafter, the department shall calculate the average miles per gallon of all new vehicles registered in this state in the previous year. The excise tax rate shall be multiplied by the percentage increase or decrease in fuel efficiency from the previous
year, and the resulting increase or decrease shall be added to the excise tax rate to
determine the preliminary excise tax rate.

(C) Once the preliminary excise tax rate is established, it shall be multiplied by the
annual percentage of increase or decrease in the Consumer Price Index. The resulting
calculation shall be added to the preliminary excise tax rate, and the result of such
calculation shall be the new excise tax rate for motor fuels for the next calendar year.
The Consumer Price Index shall no longer be used after July 1, 2018.

(2) In the event any motor fuels which are not commonly sold or measured by the gallon
are used in any motor vehicles on the public highways of this state, the commissioner
may assess, levy, and collect a tax upon such fuels, under such regulations as the
commissioner may promulgate, in accordance with and measured by the nearest power
potential equivalent to that of one gallon of regular grade gasoline. Any determination
by the commissioner of the power potential equivalent of such motor fuels shall be
prima-facie correct. Upon each such quantity of such fuels used upon the public
highways of this state, a tax at the same rate per gallon imposed on motor fuel under
paragraph (1) of this subsection shall be assessed and collected.

(3) No county, municipality, or other political subdivision of this state shall levy any fee,
license, or other excise tax on a gallonage basis upon the sale, purchase, storage, receipt,
distribution, use, consumption, or other disposition of motor fuel. Nothing contained in
this article shall be construed to prevent a county, municipality, or other political
subdivision of this state from levying license fees or taxes upon any business selling
motor fuel.

(4)(A) For purposes of this subsection, and notwithstanding the provisions of
paragraph (2) of this subsection and any provision contained in the National Bureau of
Standards Handbook or any other national standard that may be adopted by law or
regulation, the gallon equivalent of compressed natural gas shall be not less than
110,000 British thermal units and the gallon equivalent of liquefied natural gas shall not
be less than 6.06 pounds.

(B) As used in this paragraph, the term:

(i) 'Compressed natural gas' means a mixture of hydrocarbon gases and vapors,
consisting principally of methane in gaseous form, that has been compressed for use
as a motor fuel.

(ii) 'Liquefied natural gas' means methane or natural gas in the form of a cryogenic
or refrigerated liquid for use as a motor fuel.

(b) No tax is imposed by this article upon or with respect to the following sales by duly
licensed distributors:

(1) Bulk sales to a duly licensed distributor;
(2) Sales of motor fuel for export from this state when exempted by any provisions of the Constitutions of the United States or this state;

(3) Sales of motor fuel to a licensed distributor for export from this state;

(4) Sales of motor fuel to the United States for the exclusive use of the United States when the motor fuel is purchased and paid for by the United States;

(5) Sales of aviation gasoline to a duly licensed aviation gasoline dealer, except for 1¢ per gallon of the tax imposed by paragraph (1) of subsection (a) of this Code section and all of the tax imposed by Code Section 48-9-14;

(6) Bulk sales of compressed petroleum gas or special fuel to a duly licensed consumer distributor;

(7) (A) Sales of compressed petroleum gas or special fuel to a consumer who has no highway use of the fuel at the time of the sale and does not resell the fuel. Consumers of compressed petroleum gas or special fuel who have both highway and nonhighway use of the fuel and resellers of such fuel must be licensed as distributors in order for sales of the fuel to be tax exempt. Each type of motor fuel is to be considered separately under this exemption.

(B)(i) In instances where a sale of compressed petroleum gas has been made to an ultimate consumer who has both highway and nonhighway use of that type of motor fuel and no tax has been paid by the distributor on the sale, the consumer shall become licensed as a consumer distributor of that type of motor fuel. After the consumer is licensed as a consumer distributor and if it is demonstrated to the satisfaction of the commissioner that the motor fuel purchased prior to the licensee's becoming licensed as a consumer distributor was used for nonhighway purposes, such sales shall be exempt from the tax imposed by this article; provided, however, that, if at the time of demonstration the ultimate consumer does not have both highway and nonhighway use of such fuel but it can be demonstrated by the distributor to the satisfaction of the commissioner that the motor fuel was used for nonhighway purposes, the sales shall be exempt from the tax imposed by this article; and

(ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, is not exempt from the motor fuel and road taxes imposed by this article unless: (1) the purchaser is at the time of sale a valid licensed distributor of that type of motor fuel, or (2) an exemption certificate has been obtained from the purchaser on forms furnished by the Department of Revenue showing that the purchaser has no highway use of such fuels and is not a reseller of such fuels. Each exemption certificate shall be valid for a period of not more than three years and shall be kept by the distributor as one.
of the records specified in Code Section 48-9-8. It shall be the responsibility of the purchaser to notify the distributor when the purchaser is no longer qualified for the nonhighway exemption. All applicable taxes must be charged the purchaser until the purchaser is granted a valid distributor's license for that type of motor fuel.

(II) Any such purchaser granted an exemption under subdivision (I) of this division who falsely claims the exemption or fails to rescind the purchaser's exemption certificate to the distributor in writing when he or she is no longer eligible for the exemption shall be deemed a distributor for purposes of taxation and is subject to all provisions of this article relating to distributors. This division in no way shall restrict the option of the purchaser to become licensed as a distributor. If the distributor sells special fuel to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, and the purchaser is not a valid licensed distributor and has not executed a valid signed exemption certificate, the taxes imposed by this article are due from the distributor and not the purchaser on all sales of that type of fuel to that purchaser;

(8) Sales of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only. The delivery of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only shall be made directly into the storage receptacle of the heating unit of the consumer by the licensed distributor. To qualify for this exemption, sales must be delivered into storage receptacles that are not equipped with any secondary withdrawal outlets for the motor fuel;

(9) Sales of dyed fuel oils to a consumer for other than highway use as defined in paragraph (8) of Code Section 48-9-2;

(10)(A) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit vehicles which are owned by public transportation systems which receive or are eligible to receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger fares are routinely charged and which vehicles are used exclusively for revenue generating purposes which motor fuel sales occur at bulk purchase facilities approved by the department.

(B) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public campus transportation system, provided that such system has a policy which provides for free transfer of passengers from the public transportation system operated by the jurisdiction in which the campus is located; makes the general public aware of such free
transfer policy; and receives no state or federal funding to assist in the operation of such
public campus transportation system and which motor fuel sales occur at bulk purchase
facilities approved by the department.
(C) For purposes of this paragraph, the term 'vehicle' or 'vehicles' means buses, vans,
minibuses, or other vehicles which have the capacity to transport seven or more
passengers; or
(11) For the period of time beginning July 1, 2013, and ending June 30, 2015, sales of
motor fuel to public school systems in this state for the exclusive use of the school system
in operating school buses when the motor fuel is purchased and paid for by the school
system.
(c) Fuel oils, compressed petroleum gas, or special fuel used by a duly licensed distributor
for nonhighway purposes is exempt from the tax imposed by this article.
(d) No export from this state shall be recognized as being exempt from tax under
paragraphs (2) and (3) of subsection (b) of this Code section unless the exporter informs
the seller and the terminal operator of the intention to export and causes to be set out the
minimum information specified in subsection (e) of Code Section 48-9-17 on the bill of
lading or equivalent documentation under which the motor fuel is transported. In the event
that the motor fuel is delivered to any point other than that which is set out on the bill of
lading or equivalent documentation, the legal incidence of the tax shall continue to be
imposed exclusively upon the exporter who caused the export documentation to be issued
and no exemption shall be recognized until suitable proof of exportation has been provided
to the commissioner.”

SECTION 5-14.
Said title is further amended by repealing in its entirety Code Section 48-9-14, relating to the
second motor fuel tax, and designating said Code section as reserved.

SECTION 5-15.
Said title is further amended by adding a new Code section to read as follows:

“48-13-50.3.
(a) As used in this Code section, the term:
(1) ‘Extended stay’ means providing lodging for the public for longer than 30 consecutive
days to the same customer.
(2) ‘Innkeeper’ means any person who is subject to taxation under this article for the
furnishing for value to the public any rooms, lodgings, or accommodations.
(3) ‘Transportation purposes’ means and includes roads, bridges, public transit, rails,
airports, buses, seaports, including without limitation road, street, and bridge purposes

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pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all
accompanying infrastructure and services necessary to provide access to these
transportation facilities, including general obligation debt and other multiyear obligations
issued to finance such purposes.

(b) On or after July 1, 2015, each innkeeper in this state shall charge a $5.00 per night fee
to the customer, unless it is an extended stay rental, for each calendar day a room, lodging,
or accommodation is rented or leased. The innkeeper shall collect the fee at the time the
customer pays for the rental or lease of such room, lodging, or accommodation. The
innkeeper collecting the fee shall remit the fee on a monthly basis to the department.

(c) The commissioner shall promulgate and make available forms for the use of innkeepers
to assist in compliance with this Code section. The commissioner shall promulgate rules
and regulations as necessary to implement the provisions of this Code section.

(d) It is the intention of the General Assembly, subject to appropriations, that the fees
collected pursuant to subsection (b) of this Code section shall be made available and used
exclusively for transportation purposes in this state.

(e) If the amount collected under this Code section is ever not appropriated for a fiscal year
as provided by subsection (d) of this Code section, as determined jointly by the House
Budget and Research Office and the Senate Budget and Evaluation Office, then the amount
collected shall be reduced by 50 percent. Upon the conclusion of a second fiscal year in
which an amount is not so appropriated, this Code section shall stand repealed and
reserved, and such fees shall cease to be collected, on the date the appropriations Act for
such fiscal year becomes effective. Such budget offices shall certify any such lack of
appropriation to the Code Revision Commission for purposes of updating the Code in
accordance with this subsection."

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**PART VI**

**SECTION 6-1.**

Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the
"Georgia Transportation Infrastructure Bank Act," is amended by revising subsection (b) of
Code Section 32-10-127, relating to loans and other financial assistance and the
determination of eligible projects, as follows:

"(b)(1) The board shall determine which projects are eligible projects and then select
from among the eligible projects qualified projects. When determining eligibility, the
board shall make every effort to balance any loans or other financial assistance among
all regions of this state."
(2) Preference for loans may be given to eligible projects which have local financial support in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department of Community Affairs.

(3) Preference for grants and other financial assistance may be given to eligible projects which have local financial support.

PART VII

SECTION 7-1.

Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (d) of and adding new subsections to Code Section 48-8-241, relating to the creation of special districts and the tax rate for purposes of a transportation sales and use tax, as follows:

(4) Except as otherwise provided in subsection (e) of this Code section, any tax imposed under this article shall be at the rate of 1 percent. Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:

1. The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;
2. The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;
3. The sale or use of fuel that is used for propulsion of motor vehicles on the public highways. For purposes of this paragraph, a motor vehicle means a self-propelled vehicle designed for operation or required to be licensed for operation upon the public highways;
4. The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale; or
5. For motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit.

The tax imposed pursuant to this article shall only be levied on the first $5,000.00 of any transaction involving the sale or lease of a motor vehicle. The tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this article shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

Any tax imposed under this article on or after July 1, 2015, may be at a rate of up to 1 percent but shall not be more than 1 percent. Any rate less than 1 percent shall be in an
increment of .05 percent. This subsection shall not apply to taxes under this article imposed or to be imposed under resolutions and ordinances adopted prior to July 1, 2015.

(f) Any tax imposed under this article on or after July 1, 2015, shall be required to expend at least 30 percent of the estimated revenue on projects included in the state-wide strategic transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22.”

SECTION 7-2.

Said chapter is further amended by revising paragraph (12) of Code Section 48-8-242, relating to definitions relative to Special District Transportation Sales and Use Tax, as follows:

“(12) ‘Special Regional Transportation Funding Election Act’ means an Act specifically and exclusively enacted for the purpose of ordering that a referendum be held for the reimposition of the special district transportation sales and use tax within the region that includes the districts, in their entirety or any portion thereof, of the members from a local legislative delegation in the General Assembly. A majority of the signatures of the legislative delegation for a majority of the counties within the region shall be required for the bill to be placed upon the local calendar of each chamber. This method shall be exclusively used for this purpose and no other bill shall be placed or voted upon on the local calendar utilizing this method of qualification for placement thereon. This Act shall be treated procedurally by the General Assembly as a local Act and all counties within the region shall receive the legal notice requirements of a local Act. Reserved.”

SECTION 7-3.

Said chapter is further amended by revising subsection (c) of Code Section 48-8-245, relating to the collection and cessation of special district transportation sales and use tax, as follows:

“(c) (1) No more than a single 1 percent tax under this article may be collected at any time within a special district.

(2) Upon the enactment by the General Assembly of a Special Regional Transportation Funding Election Act and the adoption of resolutions by the governing bodies of a majority of the counties within a special district in which a tax authorized by this article is in effect, an election may be held for the reimposition of the tax while the tax is in effect. Proceedings for the development of an investment list and for the reimposition of a tax shall be in the same manner as provided for in Code Sections 48-8-241 and 48-8-243.

(3) Following the expiration of the special district transportation sales and use tax under this article, or following a special election in which voters in a special district rejected the imposition of the tax, upon the passage by the General Assembly of a Special Regional...
Transportation Funding Election Act and the adoption of resolutions by the governing bodies of a majority of counties within a special district, an election may be held for the imposition of a tax under this article in the same manner as provided in this article for the initial imposition of such tax. Such subsequent election shall be held on the date of a state-wide general primary. The election superintendents shall issue the call and conduct the election in the manner authorized by general law. The development of the investment list for such special district shall follow the dates established in Code Section 48-8-243 with the years adjusted appropriately, and such schedule shall be posted on a website developed by the state revenue commissioner to be used exclusively for matters related to the special district transportation sales and use tax within 30 days of the later of the state revenue commissioner's receipt of notice from the final county governing body required to adopt a resolution or of the passage of the Special Regional Transportation Funding Election Act by the General Assembly."

SECTION 7-4.

Said chapter is further amended in subsection (a) of Code Section 48-8-6, relating to the ceiling on local sales and use taxes, by revising paragraphs (4) and (5) and adding a new paragraph to read as follows:

"(4) A sales and use tax levied under Article 4 of this chapter; and
(5) A sales and use tax levied under Article 5 of this chapter; and
(6) A sales and use tax levied under Article 5A of this chapter."

SECTION 7-5.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 5A

48-8-260.

As used in this article, the term:
(1) 'Dealer' means a dealer as defined in paragraph (8) of Code Section 48-8-2.
(2) 'District' means a special district created pursuant to subsection (a) of Code Section 48-8-261.
(3) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX, Section III, Paragraph 1 of the Constitution.
(4) 'Levy' means the collection within a special district of the tax authorized pursuant to this article.

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(5) 'Mass transportation' means any mode of transportation serving the general public which is appropriate to transport people by highways or rail.

(6) 'Mass transportation regional system participant' means any county within a special district created pursuant to Article 5 of this chapter wherein mass transportation service is provided within the district, to the district, or from the district by a multicounty regional transportation authority created by an Act of the General Assembly, including but not limited to the Georgia Regional Transportation Authority or the Metropolitan Atlanta Rapid Transit Authority.

(7) 'Qualified municipality' means a qualified municipality as defined in paragraph (4) of Code Section 48-8-110 situated wholly or partly within a district.

(8) 'Transportation purposes' means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including general obligation debt and other multiyear obligations issued to finance such purposes.

48-8-261.

(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, 159 special districts are created within this state. The geographical boundary of each county shall correspond with and shall be conterminous with the geographical boundary of the 159 districts created.

(b) On or after July 1, 2015, any county:

   (1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter;

   (2) That is a mass transportation regional system participant; and

   (3) In which a tax is currently being levied and collected pursuant to:

   (A) Part 1 of Article 3 of this chapter;

   (B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

   (C) Code Section 48-8-96

may, by following the procedures required by this article, impose for a limited period of time within the special district under this article a transportation special purpose local option sales tax, the proceeds of which shall be used only for transportation purposes.

(c) On or after July 1, 2017, any county:
(1) That is not located within a special district levying a special sales and use tax pursuant to Article 5 of this chapter; and

(2) In which a tax is currently being levied and collected pursuant to:

(A) Part 1 of Article 3 of this chapter;

(B) A local constitutional amendment for purposes of a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional amendment; or

(C) Code Section 48-8-96

may, by following the procedures required by this article, impose for a limited period of time within the special district under this article a transportation special purpose local option sales tax, the proceeds of which shall be used only for transportation purposes.

48-8-262.

(a)(1) Prior to the issuance of the call for the referendum required by Code Section 48-8-263, any county that desires to levy a tax under this article shall deliver or mail a written notice to the mayor or chief elected official in each qualified municipality located within the district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authorities of the county and of each qualified municipality are to meet to discuss possible projects for inclusion in the referendum. The notice shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for the referendum.

(2) When a qualified municipality or combination of qualified municipalities within the special district whose population within the special district is 90 percent or more of the aggregate population of all qualified municipalities within the special district desires to levy a tax under this article, such qualified municipality or combination of qualified municipalities may deliver or mail written notice to the chief elected official of the governing authority of the county located within the special district calling for a meeting to discuss projects for inclusion in the referendum and the rate of levy of the tax. Such notice shall contain the date, time, place, and purpose of the meeting and shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the call for a referendum. If the county and all qualified municipalities within the special district do not enter into an intergovernmental agreement meeting the requirements of subsection (b) of this Code section within 30 days after the meeting, the qualified municipality or combination of qualified municipalities within the special district whose population within the special district is 90 percent or more of the aggregate population of all qualified municipalities
within the special district may issue the call for a referendum on the levy of a tax under this article.

(b)(1) Following the meeting required by subsection (a) of this Code section and prior to any tax being imposed under this article, the county and all qualified municipalities therein shall execute an intergovernmental agreement memorializing their agreement to the levy of a tax and the rate of such tax.

(2) At a minimum, the intergovernmental agreement authorized by paragraph (1) of this subsection shall include the following:

(A) A list of the projects and purposes qualifying as transportation purposes proposed to be funded from the levy, including an expenditure of at least 30 percent of the estimated revenue from the tax on projects included in the state-wide strategic transportation plan as defined in paragraph (6) of subsection (a) of Code Section 32-2-22;

(B) The estimated or projected dollar amounts allocated for each transportation purpose from proceeds from the levy;

(C) The procedures for distributing proceeds from the levy to qualified municipalities;

(D) A schedule for distributing proceeds from the levy to qualified municipalities which shall include the priority or order in which transportation purposes will be fully or partially funded;

(E) A provision that all transportation purposes included in the agreement shall be funded from proceeds from the levy except as otherwise agreed;

(F) A provision that proceeds from the levy shall be maintained in separate accounts and utilized exclusively for the specified purposes;

(G) Record-keeping and audit procedures necessary to carry out the purposes of this article; and

(H) Such other provisions as the county and qualified municipalities choose to address.

(c)(1) If an intergovernmental agreement is entered into by the county and all qualified municipalities, the rate of the tax may be up to 1 percent.

(2) If an intergovernmental agreement is not entered into by the county and all qualified municipalities, the maximum rate of the tax shall not exceed .75 percent and shall be determined by the governing authority of the county.

(d)(1) As soon as practicable after the meeting between the governing authorities of the county and qualified municipalities and the execution of an intergovernmental agreement, if applicable, the governing authority of the county may by a majority vote on a resolution offered for such purpose submit the list of transportation purposes and the question of whether the levy should be approved to electors of the district in the next scheduled election and shall notify the county election superintendent within the district.
by forwarding to the superintendent a copy of such resolution calling for the imposition of the levy. Such list, or a digest thereof, shall be available during regular business hours in the office of the county clerk.

(2) The resolution authorized by paragraph (1) of this subsection shall describe:

(A) The specific transportation purposes to be funded;

(B) The approximate cost of such transportation purposes, which shall also be the maximum amount of net proceeds to be raised by the levy; and

(C) The maximum period of time, to be stated in calendar years, for which the levy may be levied and the rate thereof. The maximum period of time shall not exceed five years.

48-8-263.

(a)(1) The ballot submitting the question of the imposition of the levy to the voters within the district shall have written or printed thereon the following:

'( ) YES Shall a special ___ percent sales and use tax be imposed in the district consisting of _______ County for a period of time not to exceed _______ and for the raising of not more than an estimated amount of $_______ for transportation purposes?'

( ) NO

(2) If debt is to be issued pursuant to an intergovernmental agreement, the ballot shall also have written or printed thereon, following the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of ___________ County in the principal amount of $___________ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the levy shall vote 'Yes,' and all persons opposed to imposing the levy shall vote 'No.' If more than one-half of the votes cast throughout the entire district are in favor of imposing the levy, then the levy shall be imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this article.

(d)(1) If the intergovernmental agreement and proposal include the authority to issue general obligation debt and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise,
such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this Code section, then the governing authority of the county may incur such debt either through the issuance and validation of general obligation bonds or through the execution of a promissory note or notes or other instrument or instruments. If such debt is incurred through the issuance of general obligation bonds, such bonds and their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as specifically provided otherwise in this article. If such debt is incurred through the execution of a promissory note or notes or other instrument or instruments, no validation proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this article. In either event, such general obligation debt shall be payable first from the separate account in which are placed the proceeds received by the county from the levy. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the levy shall be satisfied from the general funds of the county.

48-8-264.

(a) If the imposition of the levy is approved at the election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the levy was approved by the voters. With respect to services which are regularly billed on a monthly basis, however, the resolution shall become effective with respect to and the levy shall apply to services billed on or after the effective date specified in the previous sentence.

(b) The levy shall cease to be imposed on the earliest of the following dates:

(1) If the resolution calling for the imposition of the tax provided for the issuance of general obligation debt and such debt is the subject of validation proceedings, as of the end of the first calendar quarter ending more than 80 days after the date on which a court of competent jurisdiction enters a final order denying validation of such debt;

(2) On the final day of the maximum period of time specified for the imposition of the levy; or

(3) As of the end of the calendar quarter during which the commissioner determines that the levy will have raised revenues sufficient to provide to the district net proceeds equal to or greater than the amount specified as the maximum amount of net proceeds to be raised by the levy.
(c)(1) At any time, no more than a single tax under this article shall be imposed within a district. Any tax imposed under this article may be at a rate of up to 1 percent but shall not be more than 1 percent. Any rate less than 1 percent shall be in an increment of .05 percent.

(2) The governing authority of the county in which a levy is in effect under this article may, upon approval of all qualified municipalities, while the levy is in effect, adopt resolutions calling for the reimposition of the levy upon the termination of the levy then in effect; and an election may be held at the next regularly scheduled general election for this purpose while the levy is in effect. Proceedings for the reimposition of a levy shall be in the same manner as proceedings for the initial imposition of the levy, but the newly authorized levy shall not be imposed until the expiration of the levy then in effect.

(3) Following the expiration of a levy under this article, the county may initiate proceedings for the reimposition of a levy under this article in the same manner as provided in this article for initial imposition of such levy.

A tax levied pursuant to this article shall be exclusively administered and collected by the commissioner for the use and benefit of the county and qualified municipalities within the district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

Each sales tax return remitting taxes collected under this article shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination
by the commissioner that all taxes imposed by this article are collected and distributed according to situs of sale.

48-8-267.

(a) The proceeds of the tax collected by the commissioner in each special district under this article shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) Except for the percentage provided in paragraph (1) of this Code section, the remaining proceeds of the tax shall be distributed:

(A) Pursuant to the terms of the intergovernmental agreement, if applicable; or

(B) If no intergovernmental agreement has been entered into, in accordance with subsection (b) of this Code section.

(b) In the event an intergovernmental agreement has not been entered into, distribution of the proceeds shall be as follows:

(1) The state auditor shall determine the most recent three fiscal years for which an audit under Code Section 36-81-7 has or should have been made or for which other equivalent, reliable information is available for the county and all qualified municipalities; and

(2) Utilizing the audit information under paragraph (1) of this subsection, the county and each qualified municipality shall receive a proportional amount of proceeds of the tax based upon the amount of expenditures made for transportation in the fiscal year. The proportional amount for the county and each qualified municipality shall be determined by dividing the average expended on transportation during the most recent three fiscal years by the county or qualified municipality by the aggregate average expended on transportation by the county and all qualified municipalities in the district during the most recent three fiscal years. Amounts expended on transportation include transportation maintenance and operation costs and shall correspond with classifications and subclassifications specified in section 4200, including noncapital expenditures in sections 4210-4270, of the uniform chart of accounts in subsection (e) of Code Section 36-81-3 and shall be reported in the local government audit. Total general fund expenditures by the local government within these categories shall be specified in the footnotes of the audited financial statement. If such transportation expenditures include maintenance and operation costs to support local government airport and transit operations, reported in function 7561 and 7563 of the uniform chart, the general fund costs for those functions shall be included in the footnotes of the local government's audited financial statement.
48-8-268.
(a) The levy shall not be subject to any allocation or balancing of state and federal funds provided for by general law, nor may such proceeds be considered or taken into account in any such allocation or balancing.
(b) The approval of the levy of the tax under this article shall not in any way diminish the percentage of state or federal funds allocated to any of the local governments within the special district levying the tax under the provisions of Code Section 32-5-27. The amount of state or federal funds expended in the county or any municipality within the special district shall not be decreased or diverted due to the use of proceeds from the tax levied under this article for transportation purposes that have a high priority in the state-wide strategic transportation plan.

48-8-269.
(a) Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:
(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;
(2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;
(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;
(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale;
(5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2 for public mass transit; or
(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.
(b) Except as otherwise specifically provided in this article, the tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this article shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

48-8-269.1.
Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this article upon the same property. If the amount of sales or use tax so paid is less than the
amount of the levy due under this article, the purchaser shall pay an amount equal to the
difference between the amount paid in the other tax jurisdiction and the amount due under
this article. The commissioner may require such proof of payment in another local tax
jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
against the levy for tax paid in another jurisdiction if the tax paid in such other jurisdiction
is used to obtain a credit against any other local sales and use tax levied in the county or
in a special district which includes the county.

48-8-269.2.
No levy shall be imposed upon the sale of tangible personal property which is ordered by
and delivered to the purchaser at a point outside the geographical area of the county in
which the levy is imposed regardless of the point at which title passes, if the delivery is
made by the seller's vehicle, United States mail, or common carrier or by private or contract
carrier.

48-8-269.3.
The commissioner shall have the power and authority to promulgate such rules and
regulations as shall be necessary for the effective and efficient administration and
enforcement of the collection of the levy.

48-8-269.4.
Except as provided in Code Section 48-8-6, the tax authorized under this article shall be
in addition to any other local sales and use tax. Except as otherwise provided in this article
and except as provided in Code Section 48-8-6, the imposition of any other local sales and
use tax within a county or qualified municipality within a special district shall not affect
the authority of a county to impose the tax authorized under this article, and provided that
a county is not currently collecting a levy under Article 5 of this chapter, the imposition of
a tax under this article shall not affect the imposition of any otherwise authorized local
sales and use tax within the special district.

48-8-269.5.
(a)(1) The proceeds received from the levy shall be used by the county and qualified
municipalities within the district exclusively for the transportation purposes specified in
the resolution calling for imposition of the levy. Such proceeds shall be kept in a separate
account from other funds of any county and qualified municipality receiving proceeds of
the levy and shall not in any manner be commingled with other funds of any county or
qualified municipality prior to the expenditure.
(2) The governing authority of each county and the governing authority of each qualified municipality receiving any proceeds from the tax under this article shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the levy the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.

(b) No general obligation debt shall be issued in conjunction with the imposition of the levy unless each county governing authority determines that, and if the debt is to be validated it is demonstrated in the validation proceedings that, during each year in which any payment of principal or interest on the debt comes due, the county will receive from the levy net proceeds sufficient to fully satisfy such liability. General obligation debt issued under this article shall be payable first from the separate account in which are placed the proceeds received by each county from the levy. Such debt, however, shall constitute a pledge of the full faith, credit, and taxing power of each county; and any liability on said debt which is not satisfied from the proceeds of the levy shall be satisfied from the general funds of the county.

(c) The intergovernmental agreement, if applicable, and resolution calling for imposition of the levy may specify that all of the proceeds of the levy will be used for payment of general obligation debt issued in conjunction with the imposition of the levy. If the intergovernmental agreement, if applicable, and resolution so provide, then such proceeds shall be used solely for such purpose except as provided in subsection (f) of this Code section.

(d) The intergovernmental agreement, if applicable, and resolution calling for the imposition of the levy may specify that a part of the proceeds of the levy will be used for payment of general obligation debt issued in conjunction with the imposition of the tax. The intergovernmental agreement, if applicable, and resolution shall specifically state the other purposes for which such proceeds will be used. In such a case, no part of the net proceeds from the levy received in any year shall be used for such other purposes until all debt service requirements of the general obligation debt for that year have first been satisfied from the account in which the proceeds of the levy are placed.

(e) The resolution calling for the imposition of the tax may specify that no general obligation debt is to be issued in conjunction with the imposition of the tax.
intergovernmental agreement and resolution shall specifically state the purpose or purposes
for which the proceeds will be used.

(f)(1)(A) If the proceeds of the levy are specified to be used solely for the purpose of
payment of general obligation debt issued in conjunction with the imposition of the
levy, then any net proceeds of the levy in excess of the amount required for final
payment of such debt shall be subject to and applied as provided in paragraph (2) of this
subsection.

(B) If the district receives from the levy net proceeds in excess of the maximum cost
of the transportation projects and costs stated in the resolution calling for the imposition
of the levy or in excess of the actual cost of such purpose or purposes, then such excess
proceeds shall be subject to and applied as provided in paragraph (2) of this subsection
unless otherwise specified in the intergovernmental agreement, if applicable.

(C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
48-8-264 by reason of denial of validation of debt, then all net proceeds received by the
special district from the tax shall be excess proceeds subject to paragraph (2) of this
subsection.

(2) Excess proceeds subject to this subsection shall be used solely for the purpose of
reducing any indebtedness of any county or qualified municipality within the district
other than indebtedness incurred pursuant to this article. If there is no such other
indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
then the excess proceeds shall next be paid into the general fund of such county or
qualified municipality, it being the intent that any funds so paid into the general fund of
such county or qualified municipality be used for the purpose of reducing ad valorem
taxes.

48-8-269.6.
Not later than December 31 of each year, the governing authority of each county and each
qualifying municipality receiving any proceeds from the tax under this article shall publish
annually, in a newspaper of general circulation in the boundaries of such county or
municipality, a simple, nontechnical report which shows for each purpose in the resolution
calling for imposition of the levy the original estimated cost, the current estimated cost if
it is not the original estimated cost, amounts expended in prior years, and amounts
expended in the current year. The report shall also include a statement of what corrective
action the county or municipality intends to implement with respect to each purpose which
is underfunded or behind schedule and a statement of any surplus funds which have not
been expended for a purpose."
PART VIII

SECTION 8-1.

This Act shall be known and may be cited as the "Transportation Funding Act of 2015."

SECTION 8-2.

It is the intention of the General Assembly, subject to appropriations and other constitutional obligations of this state, that year to year revenue increases be prioritized to fund education, transportation, and health care in this state.

PART IX

SECTION 9-1.

(a) This Act shall become effective on July 1, 2015. (b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall not be affected by the passage of this Act and shall continue to be governed by the provisions of Title 48 of the Official Code of Georgia Annotated as it existed immediately prior to the effective date of this Act.

SECTION 9-2.

All laws and parts of laws in conflict with this Act are repealed.