

116TH CONGRESS  
1ST SESSION

# S. 1839

To amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modern, Clean, and  
5 Safe Trucks Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) there is a 12-percent Federal retail excise  
9 tax on certain new heavy trucks, tractors, and trail-  
10 ers, coupled with new regulatory mandates, signifi-

1       cantly increasing the cost of new heavy-duty trucks,  
2       tractors, and trailers, and discouraging the replace-  
3       ment of older, less environmentally clean and less  
4       fuel economical vehicles;

5               (2) this 12-percent Federal retail excise tax is  
6       the highest percentage rate of any Federal ad valo-  
7       rem excise tax;

8               (3) the Federal excise tax was first levied by  
9       Congress in 1917 to help finance America’s involve-  
10      ment in World War I;

11              (4) the 12-percent Federal retail excise tax rou-  
12      tinely adds between \$12,000 and \$22,000 to the cost  
13      of a heavy truck, tractor, or trailer;

14              (5) the average in-use, heavy truck is 9.6 years  
15      old, close to the historical all-time high;

16              (6) the Environmental Protection Agency’s  
17      model year 2002–2010 tailpipe emissions rules ac-  
18      count for \$20,000 of the average price of today’s  
19      new heavy-duty trucks;

20              (7) according to the 2011 Environmental Pro-  
21      tection Agency and National Highway Traffic Safety  
22      Administration Regulatory Impact Analysis entitled  
23      “Final Rulemaking to Establish Greenhouse Gas  
24      Emissions Standards and Fuel Efficiency Standards  
25      for Medium and Heavy-Duty Engines and Vehicles”,

1 model year 2014–2018 EPA-Department of Trans-  
2 portation fuel economy rules will add up to approxi-  
3 mately \$6,683 to the price of new heavy-duty trucks;

4 (8) according to the 2016 Environmental Pro-  
5 tection Agency and National Highway Traffic Safety  
6 Administration Final Rule entitled “Greenhouse Gas  
7 Emissions and Fuel Efficiency Standards for Me-  
8 dium and Heavy-Duty Engines and Vehicles—Phase  
9 2”, model year 2021–2027 fuel economy rules will  
10 add up to approximately \$12,500 to the price of new  
11 heavy-duty trucks;

12 (9) the \$39,183 average per truck cost of these  
13 regulatory mandates results in an additional \$4,700  
14 Federal excise tax, on average; and

15 (10) since the Federal retail excise tax on cer-  
16 tain new heavy trucks, tractors, and trailers is based  
17 on annual sales, receipts from the tax deposited in  
18 the Highway Trust Fund can vary greatly.

19 **SEC. 3. REPEAL OF EXCISE TAX ON HEAVY TRUCKS AND**  
20 **TRAILERS.**

21 (a) **IN GENERAL.**—Chapter 31 of the Internal Rev-  
22 enue Code of 1986 is amended by striking subchapter C  
23 (and by striking the item relating to such subchapter from  
24 the table of subchapters for such chapter).

25 (b) **CONFORMING AMENDMENTS.**—

1           (1) Section 4072(c) of such Code is amended to  
2       read as follows:

3       “(c) TIRES OF THE TYPE USED ON HIGHWAY VEHI-  
4       CLES.—

5           “(1) IN GENERAL.—For purposes of this part,  
6       the term ‘tires of the type used on highway vehicles’  
7       means tires of the type used on—

8           “(A) motor vehicles which are highway ve-  
9       hicles, or

10          “(B) vehicles of the type used in connec-  
11       tion with motor vehicles which are highway ve-  
12       hicles.

13          “(2) EXCEPTION FOR MOBILE MACHINERY.—

14          “(A) IN GENERAL.—Such term shall not  
15       include tires of a type used exclusively on mo-  
16       bile machinery.

17          “(B) MOBILE MACHINERY.—For purposes  
18       of subparagraph (A), the term ‘mobile machin-  
19       ery’ means any vehicle which consists of a chas-  
20       sis—

21               “(i) to which there has been perma-  
22               nently mounted (by welding, bolting, riv-  
23               eting, or other means) machinery or equip-  
24               ment to perform a construction, manufac-  
25               turing, processing, farming, mining, drill-

1 ing, timbering, or similar operation if the  
 2 operation of the machinery or equipment is  
 3 unrelated to transportation on or off the  
 4 public highways,

5 “(ii) which has been specially designed  
 6 to serve only as a mobile carriage and  
 7 mount (and a power source, where applica-  
 8 ble) for the particular machinery or equip-  
 9 ment involved, whether or not such ma-  
 10 chinery or equipment is in operation, and

11 “(iii) which, by reason of such special  
 12 design, could not, without substantial  
 13 structural modification, be used as a com-  
 14 ponent of a vehicle designed to perform a  
 15 function of transporting any load other  
 16 than that particular machinery or equip-  
 17 ment or similar machinery or equipment  
 18 requiring such a specially designed chas-  
 19 sis.”.

20 (2) Section 4221 of such Code is amended—

21 (A) in subsection (a)—

22 (i) by striking “(or under subchapter  
 23 C of chapter 31 on the first retail sale)”,  
 24 and

25 (ii) by striking “4051 or”,

1           (B) in subsection (c), by striking “and in  
2           the case of any article sold free of tax under  
3           section 4053(6),”, and

4           (C) in subsection (d)(1), by striking “,  
5           and, in the case of the taxes imposed by sub-  
6           chapter C of chapter 31, includes the retailer  
7           with respect to the first retail sale”.

8           (3) Section 4222(d) of such Code is amended  
9           by striking “4053(6),”.

10           (4) Section 4293 of such Code is amended by  
11           striking “section 4051,”.

12           (5) Section 4483(g) of such Code is amended  
13           by striking “section 4053(8)” and inserting “section  
14           4072(e)(2)”.

15           (6) Section 6416(b)(2) of such Code is amend-  
16           ed by striking “or under section 4051”.

17           (7) Section 6416(b) of such Code is amended  
18           by striking paragraph (6).

19           (8) Section 9503(b)(1) of such Code is amend-  
20           ed by striking subparagraph (B) and by redesignig-  
21           nating subparagraphs (C), (D), and (E) as subpara-  
22           graphs (B), (C), and (D), respectively.

1           (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to sales and installations on or  
3 after the date of the introduction of this Act.

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