



Multi-State Highway Transportation Agreement
dba: Western States Transportation Alliance (WSTA)

RESOLUTION 2009-01:

Concerning Taxation of Interstate Carriers by States When Such Carriers Have No Location, Employees or Assets Within Those States

WHEREAS: The interstate motor carrier industry is an essential component of the economy of the western states; and

WHEREAS: The interstate motor carrier industry is made up overwhelmingly of small businesses; and

WHEREAS: For the past several years, certain states have been seeking to subject interstate motor carriers based in other states to the enforcement and collection of state income and other business taxes, even though such carriers have no real property, fixed assets or employees in those states: and

WHEREAS: The collection of such taxes by such states involves a recent shift in income tax enforcement by those states, some of which have sought many years back taxes from interstate carriers based in MHTA member states; and

WHEREAS: The burden of such unwarranted tax collection and heavy associated compliance costs are particularly significant for these interstate motor carriers in this time of economic distress; now, therefore,

Be it resolved by the Cooperating Committee of the Multi-State Highway Transportation Association- MHTA, upon this date,

That MHTA formally requests MHTA member states to adopt this resolution and seek support of a change to federal law through The Business Activity Tax Simplification Act of 2009, H.R. 1083 (BATSA), suitably amended to restrict a state's taxation of interstate motor carriers to those carriers that:

1. Are incorporated in that state,
2. Have their principal place of business in that state,
3. Have real property in that state, or
4. Have obtained intrastate operating authority in that state.

The MHTA Cooperating Committee requests that each MHTA member state adopt a similar resolution in the 2010 legislative session.

DATE: November 14th 2009- Adopted, MHTA Cooperating Committee

Copies of Resolution will be made available to:

1. MHTA/WSTA BOARD OF DIRECTORS
2. MHTA/WSTA COOPERATING COMMITTEE MEMBERS
3. MHTA/WSTA MEMBERS STATE GOVERNORS
4. MHTA/WSTA MEMBERS STATE DEPARTMENT OF REVENUE