

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1555 Session of
1981

INTRODUCED BY LAUGHLIN, JUNE 15, 1981

REFERRED TO COMMITTEE ON FINANCE, JUNE 15, 1981

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," excluding school buses operated under contract
11 with a school district from the tax.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1101-B, act of March 4, 1971 (P.L.6,
15 No.2), known as the "Tax Reform Code of 1971," added June 4,
16 1979 (P.L.60, No.27), is amended to read:

17 Section 1101-B. Imposition of Additional Tax.--In addition
18 to the tax imposed upon liquid fuels by the act of May 21, 1931
19 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," and by
20 the act of July 12, 1974 (P.L.458, No.161), an additional State
21 tax in an amount of two cents (2¢) per gallon, or fractional
22 part thereof, is hereby imposed and assessed upon all liquid

1 fuels used or sold and delivered by distributors within this
2 Commonwealth except as herein provided. The tax herein imposed
3 and assessed shall be collected by and paid to the Commonwealth
4 only once in respect to any liquid fuels. The tax imposed by
5 this section and by section 1121-B shall not be imposed upon
6 liquid fuels:

7 (1) Used or sold and delivered that are not within the
8 taxing power of this Commonwealth under the Commerce Clause of
9 the United States Constitution.

10 (2) Used as fuel in aircraft or aircraft engines.

11 (3) Delivered to and used by the United States Government on
12 presentation of a duly authorized United States Government
13 exemption certificate or other evidence satisfactory to the
14 department.

15 (4) Delivered to and used by the Commonwealth.

16 (5) Delivered to and used by any political subdivision.

17 (6) Delivered to and used by any second class county port
18 authority.

19 (7) Delivered to and used by any nonpublic school not
20 operated for profit on presentation of evidence satisfactory to
21 the department.

22 (8) Delivered to and used by any volunteer fire company,
23 volunteer ambulance service or volunteer rescue squad.

24 (9) Used as fuel in any nonlicensed powered farm machinery
25 for purposes relating to the actual production of farm products
26 or any licensed farm tractor when used off the highways for
27 agricultural purposes or any nonlicensed farm tractor.

28 (10) Used by any contractor in school buses under contract
29 with a school district.

30 Section 2. Any refunds due as a result of this additional

1 exemption shall be made directly to the school district pursuant
2 to section 17 of the act of May 21, 1931 (P.L.149, No.105),
3 known as "The Liquid Fuels Tax Act," or section 16 of the act of
4 January 14, 1952 (1951 P.L.1965, No.550), known as the "Fuel Use
5 Tax Act."

6 Section 3. This act shall take effect immediately.