

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 338 Session of
1989

INTRODUCED BY GEIST, CLYMER, WOZNIAK, MOEHLMANN, SEMMEL,
S. H. SMITH, TRELLO, SERAFINI, HESS, BUNT, FLICK, TRICH,
VROON, FARGO, VEON, OLASZ, HALUSKA, MORRIS, TIGUE, GODSHALL,
DISTLER, D. W. SNYDER, PHILLIPS, ROBBINS, NOYE, DORR, NAHILL,
JOHNSON, LASHINGER, G. SNYDER, BURD AND B. D. CLARK,
FEBRUARY 8, 1989

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 8, 1989

AN ACT

1 Amending the act of May 21, 1931 (P.L.149, No.105), entitled, as
2 amended, "An act imposing a State tax, payable by those
3 herein defined as distributors, on liquid fuels used or sold
4 and delivered within the Commonwealth, which are practically,
5 and commercially suitable for use in internal combustion
6 engines for the generation of power; providing for the
7 collection and lien of the tax, and the distribution and use
8 of the proceeds thereof; requiring such distributors to
9 secure permits, to file corporate surety bonds and reports,
10 and to retain certain records; imposing duties on retail
11 dealers, common carriers, county commissioners, and such
12 distributors; providing for rewards; imposing certain costs
13 on counties; conferring powers and imposing duties on certain
14 State officers and departments; providing for refunds;
15 imposing penalties; and making an appropriation," further
16 providing for acceptable security in lieu of surety bonds.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 3(f) of the act of May 21, 1931 (P.L.149,
20 No.105), known as The Liquid Fuels Tax Act, amended May 22, 1933
21 (P.L.917, No.170), is amended to read:

22 Section 3. Liquid Fuels Permit; Bond or Deposit of
23 Securities.--* * *

1 (f) Any person required by the provisions of this section to
2 file a surety bond may, in lieu thereof, deposit with the State
3 Treasurer bonds of the United States or of the Commonwealth of
4 Pennsylvania, the par value thereof to be of the amount of the
5 surety bond required of such person or present to the State
6 Treasurer satisfactory evidence of financial guarantees in the
7 form of an irrevocable letter of credit from a financial
8 institution authorized to do business in the Commonwealth. The
9 treasurer shall issue to such person a certificate of such
10 deposit or financial guarantee, which he shall file with the
11 Department of Revenue. Such securities or letter of credit
12 deposited with the State Treasurer shall be held as a guarantee
13 that the holder of the permit shall faithfully comply with the
14 provisions of this act during the effective period of his
15 permit. The said securities or letter of credit shall be
16 retained by the State Treasurer for a period of sixty (60) days
17 after the termination of the permit of such person, whether by
18 his own act or by action of the department, and such securities
19 or letter of credit shall not be released from any liability to
20 the Commonwealth already accrued or which shall accrue before
21 the expiration of the sixty day period. At the end of such sixty
22 day period, the said securities or letter of credit shall be
23 returned to their owner only if all claims of the Commonwealth,
24 guaranteed by such deposit, have been fully satisfied.

25 * * *

26 Section 2. This act shall take effect in 60 days.