

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1243 Session of
2006

INTRODUCED BY LOGAN, JUNE 19, 2006

REFERRED TO TRANSPORTATION, JUNE 19, 2006

AN ACT

1 Suspending the imposition of the tax on liquid fuels and fuels;
2 providing for enforcement by the Attorney General; and
3 prescribing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Liquid Fuels
8 Tax Suspension Act.

9 Section 2. Suspension of tax.

10 The Department of Revenue, for the period beginning on the
11 effective date of this section to October 31, 2006, may not
12 collect or impose the tax imposed or assessed pursuant to 75
13 Pa.C.S. §§ 9004(a) (relating to imposition of tax, exemptions
14 and deductions) and 9502 (relating to imposition of tax) on
15 liquid fuels or fuels used or sold and delivered by distributors
16 within this Commonwealth.

17 Section 3. Penalty.

18 (a) Reduction in price.--Every distributor and dealer, as

1 defined in 75 Pa.C.S. § 9002 (relating to definitions), shall
2 reduce the price of its liquid fuels or fuels used or sold and
3 delivered within this Commonwealth in an amount equal to the
4 amount of State taxes that have been suspended pursuant to
5 section 2 (relating to suspension of tax).

6 (b) Penalty.--The failure of a distributor or dealer to
7 reduce the price of its liquid fuels or fuels pursuant to
8 subsection (a) shall be subject to a fine in the amount of
9 \$1,000 per occurrence and restitution under subsection (e).

10 (c) Notice.--

11 (1) The Department of Revenue, in conjunction with
12 appropriate State departments and agencies, shall create and
13 distribute a placard to all dealers for display, indicating
14 to the general public that the State tax on gasoline and
15 diesel fuels has been suspended for the provided time frame,
16 that it is a violation of this act to fail to reduce the
17 price of such fuels accordingly and that purchasers are
18 entitled to restitution from the dealer if the dealer fails
19 to comply with this act.

20 (2) A dealer who fails to display the placard required
21 by this subsection shall be subject to a fine in the amount
22 of \$1,000 per day that the violation continues.

23 (d) Enforcement.--The Attorney General shall enforce the
24 provisions of this act and shall have standing to initiate suit
25 on behalf of the Commonwealth in any court of competent
26 jurisdiction to obtain injunctive or other relief necessary to
27 obtain compliance with this act.

28 (e) Restitution.--

29 (1) Any person who purchases liquid fuels or fuels from
30 a distributor or dealer who is found to have violated

1 subsection (a) shall have the right to obtain a refund from
2 the distributor or dealer of the amount of the tax unlawfully
3 charged to the person, provided that the person has proof of
4 purchase.

5 (2) If a distributor or dealer required to pay a refund
6 to a person lawfully entitled thereto under paragraph (1)
7 fails to pay the refund within ten days of the request for
8 refund, the person who requested the refund may file an
9 action in a court of competent jurisdiction to recover the
10 amount of the refund, together with costs and reasonable
11 attorney fees in the action.

12 Section 4. Distribution from General Fund.

13 The Department of Revenue shall determine the proportional
14 amounts of revenue appropriated or distributed pursuant to 75
15 Pa.C.S. § 9010(e) (relating to disposition and use of tax) and
16 Ch. 95 (relating to taxes for highway maintenance and
17 construction) that will be lost due to the suspension of State
18 taxes pursuant to section 2. An amount equal to the total amount
19 of revenue lost due to the suspension of State taxes shall be
20 transferred from the General Fund and distributed in the
21 proportional amounts determined by the department.

22 Section 10. Effective date.

23 This act shall take effect immediately.