

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1720 Session of
1975

INTRODUCED BY BONETTO, SEPTEMBER 23, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 23, 1975

AN ACT

1 Amending the act of January 14, 1952 (P.L.1965, No.550),
2 entitled, as amended, "An act imposing a permanent and a
3 temporary State tax on fuels used within the Commonwealth in
4 internal combustion engines for the generation of power to
5 propel motor vehicles using the public highways; imposing a
6 permanent tax on the fuels used in aircraft or aircraft
7 engines; providing for the collection and lien of the tax and
8 the distribution and use of the proceeds thereof; requiring
9 dealer-users to secure licenses and to file bonds as a
10 guarantee of payment of taxes, penalties, interest, fines,
11 uncollectible check fees and Attorney General's fees, to file
12 reports and to compile and retain certain records; requiring
13 registration of carriers for hire; imposing duties on such
14 persons; requiring persons selling or delivering fuels to
15 licensed dealer-users to furnish information; imposing
16 certain costs on counties; conferring powers and imposing
17 duties on State officers and departments; providing for
18 refunds of taxes, penalties and interest illegally or
19 erroneously collected from licensees; and providing
20 penalties," increasing the tax further providing for its
21 disposition and making a repeal.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 4, act of January 14, 1952 (P.L.1965,
25 No.550), known as the "Fuel Use Tax Act," amended February 1,
26 1974 (P.L.24, No.9), is amended to read:

27 Section 4. Imposition of Tax Exemptions.--A permanent excise
28 tax at the rate of [eight cents (8¢)] eleven cents (11¢) a

1 gallon or fractional part thereof is hereby imposed on all
2 dealer-users upon the use of fuel within this Commonwealth,
3 except the use of fuel in aircraft or aircraft engines, to be
4 computed in the manner hereinafter set forth. The tax herein
5 imposed shall not apply on fuels not within the taxing power of
6 this Commonwealth under the Commerce Clause of the Constitution
7 of the United States. The tax herein imposed and assessed shall
8 be paid to the Commonwealth but once in respect to any fuels
9 used within the Commonwealth. No tax is hereby imposed upon (1)
10 any fuel that is used by or sold and delivered to the United
11 States government, when such sales and deliveries are supported
12 by documentary evidence satisfactory to the department, or (2)
13 upon any fuel not in excess of fifty (50) gallons brought into
14 this Commonwealth in the fuel supply tanks or other fueling
15 receptacles or devices of a motor vehicle, or (3) upon any fuel
16 used by or sold or delivered for use in farm machinery or
17 equipment, engaged in the production or harvesting of farm or
18 agricultural products involving the use of the public highways
19 within a ten (10) mile radius of the domicile of the owner of
20 the machinery or equipment, when such sales and deliveries are
21 supported by documentary evidence satisfactory to the
22 department, or (4) upon any fuel used by or sold or delivered to
23 the Commonwealth of Pennsylvania, its political subdivisions,
24 any second class county port authority and any nonpublic schools
25 not operated for profit, when such sales and deliveries are
26 supported by documentary evidence satisfactory to the
27 department.

28 In lieu of the foregoing taxes, a permanent excise tax at the
29 rate of one and one-half cents a gallon, or fractional part
30 thereof, is hereby imposed on all dealer-users upon the use of

1 fuel in propeller-driven piston engine aircraft or aircraft
2 engines, and except as hereinafter provided, one and one-half
3 cents a gallon or fractional part thereof of fuel used in
4 turbine propeller jet, turbo-jet, or jet driven aircraft or
5 aircraft engines, to be computed in the manner hereinafter set
6 forth. Beginning January 1, 1960, and thereafter, a State tax of
7 one cent a gallon, or fractional part thereof, is hereby imposed
8 and assessed upon all liquid fuels used or sold and delivered by
9 distributors within this Commonwealth for use as fuel in turbine
10 propeller jet, turbo-jet, or jet driven aircraft and aircraft
11 engines. The tax herein imposed shall not apply on fuels not
12 within the taxing power of this Commonwealth under The Commerce
13 Clause of the Constitution of the United States. The tax herein
14 imposed and assessed shall be paid to the Commonwealth but once
15 in respect to any fuels. No tax is hereby imposed upon (1) any
16 fuel that is used by or sold and delivered to the United States
17 government when such sales and deliveries are supported by
18 documentary evidence satisfactory to the department, or (2) upon
19 any fuel brought into this Commonwealth in the fuel supply tanks
20 or other fueling receptacles or devices of an aircraft or
21 aircraft engine, or (3) upon any fuel used or sold or delivered
22 to the Commonwealth of Pennsylvania, its political subdivisions,
23 any second class county port authority and nonpublic schools not
24 operated for profit, for official use when such sales and
25 deliveries are supported by documentary evidence satisfactory to
26 the department.

27 The Pennsylvania Aeronautics Commission is authorized to make
28 allocations of taxes collected under this act to airports in
29 proportion to the average of their allocations received from the
30 Pennsylvania Aeronautics Commission during the period for which

1 they have received such allocations not to exceed five (5) years
2 or, in the case of airports having no such allocation
3 experience, in equal proportion with other airports based upon
4 comparative collections under this tax.

5 Section 2. Section 10 of the act is reenacted to read:

6 Section 10. Disposition and Use of Tax.--The permanent and
7 additional State taxes collected under the provisions of this
8 act, less discounts allowed, shall be paid into the Liquid Fuels
9 Tax Fund, and the Motor License Fund in the same proportions as
10 are liquid fuels taxes and are hereby specifically appropriated
11 for the same uses and purposes.

12 Section 3. The act of July 12, 1974 (P.L.458, No.161),
13 entitled "An act imposing an additional State tax on certain
14 fuels; providing for collection, lien and administration of the
15 tax; and making an appropriation," is repealed.

16 Section 4. This act shall take effect November 1, 1975.