

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1428 Session of
1979

INTRODUCED BY CALTAGIRONE, J. L. WRIGHT, JR., THOMAS, YAHNER,
BENNETT, B. F. O'BRIEN, F. TAYLOR, ZELLER, CAPPABIANCA,
COCHRAN, STAIRS, WILT, BROWN, ZWIKL, DeWEESE, MUSTO,
LETTERMAN, PRATT, RAPPAPORT, HASAY, REED, KUKOVICH, PERZEL,
BRANDT, COHEN AND GATSKI, MAY 31, 1979

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 31, 1979

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 the imposition and rate of tax.

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

19 Section 1. Section 4, act of May 21, 1931 (P.L.149, No.105),
20 known as "The Liquid Fuels Tax Act," amended December 19, 1975
21 (P.L.556, No.156), is amended to read:

22 Section 4. Imposition of Tax; Exemptions and Deductions.--A
23 permanent State tax of eight cents a gallon, or fractional part

1 thereof, is hereby imposed and assessed upon all liquid fuels
2 except gasahol used or sold and delivered by distributors within
3 this Commonwealth, excepting liquid fuels delivered to the
4 United States Government on presentation of a duly authorized
5 United States Government exemption certificate or other evidence
6 satisfactory to the department, and such liquid fuels used or
7 sold and delivered as are not within the taxing power of this
8 Commonwealth under the Commerce Clause of the Constitution of
9 the United States and excepting liquid fuels used as fuel in
10 aircraft or aircraft engines and excepting liquid fuels
11 delivered to the Commonwealth, every political subdivision, any
12 volunteer fire company, any volunteer ambulance service, any
13 volunteer rescue squad, any second class county port authority
14 and nonpublic schools not operated for profit on presentation of
15 evidence satisfactory to the department. The tax herein imposed
16 and assessed shall be collected by and paid to the Commonwealth
17 but once in respect to any liquid fuels.

18 In lieu of the foregoing tax a temporary State tax of three
19 cents a gallon, or fractional part thereof is hereby imposed and
20 assessed upon all gasahol used or sold and delivered by
21 distributors within this Commonwealth.

22 In lieu of the foregoing taxes, a permanent State tax of one
23 and one-half cents a gallon, or fractional part thereof, is
24 hereby imposed and assessed upon all liquid fuels used or sold
25 and delivered by distributors within this Commonwealth for use
26 as fuel in propeller-driven piston engine aircraft or aircraft
27 engines, and, except as hereinafter provided, one and one-half
28 cents a gallon, or fractional part thereof, upon all liquid
29 fuels used or sold and delivered by distributors within this
30 Commonwealth for use as fuel in turbine propeller jet, turbo-

1 jet, or jet driven aircraft and aircraft engines. Beginning
2 January 1, 1960, and thereafter, a State tax of one cent a
3 gallon, or fractional part thereof, is hereby imposed and
4 assessed upon all liquid fuels used or sold and delivered by
5 distributors within this Commonwealth for use as fuel in turbine
6 propeller jet, turbo-jet, or jet driven aircraft and aircraft
7 engines.

8 Distributors shall be liable to the Commonwealth for the
9 collection and payment of the tax imposed by this act. The tax
10 imposed by this act shall be collected by the distributor at the
11 time the liquid fuels are used or sold and delivered by the
12 distributor and shall be borne by the consumer.

13 The department shall allow such handling and storage losses
14 of liquid fuels as are substantiated to its satisfaction.

15 Section 2. For purposes of this amendatory act, "gasahol,"
16 shall mean a mixture of not less than seven per cent and not
17 more than ten per cent ethanol alcohol and gasoline which is
18 used as a substitute for unleaded motor fuel.

19 Section 3. Nothing contained in this act shall be construed
20 to repeal or effect the provisions of the act of July 12, 1974
21 (P.L.458, No.161), referred to as the Liquid Fuels Additional
22 Tax Act.

23 Section 4. This amendatory act shall take effect January 1,
24 1980 and shall expire January 1, 1985.