

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 346 Session of 1991

INTRODUCED BY GAMBLE, VAN HORNE, CESSAR, MICHLOVIC, LEVDANSKY, MURPHY, ITKIN, GIGLIOTTI, PETRONE, TRELLO, PISTELLA AND OLASZ, FEBRUARY 6, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 6, 1991

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," changing
16 the formula for distribution of part of the tax to the
17 counties.

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

20 Section 1. Section 10(a) of the act of May 21, 1931
21 (P.L.149, No.105), known as The Liquid Fuels Tax Act, amended
22 July 30, 1975 (P.L.124, No.61), is amended to read:

23 Section 10. Disposition and Use of Tax.--(a) [One-half] One
24 cent per gallon of the permanent tax collected under the
25 provisions of this act shall be paid into the Liquid Fuels Tax

1 Fund of the State Treasury; and such moneys, paid into said
2 fund, are hereby specifically appropriated for the purposes
3 hereinafter set forth.

4 The moneys so paid into the Liquid Fuels Tax Fund, except
5 those that are refunded as hereinafter provided, shall be paid
6 to the respective counties of this Commonwealth, [less such
7 amounts as represent the difference between the annual fees
8 prescribed in sections 709 and 710 of "The Vehicle Code" and
9 those fees charged pursuant to section 710.1 of "The Vehicle
10 Code" for annual registration of each motor vehicle operated by
11 mass transportation systems,] on the first day of June and
12 December of each year, [in the ratio that average return made
13 during the three (3) preceding years to each county bears to the
14 average amount returned to all counties for the three preceding
15 years: Provided, That the distribution of tax to the counties
16 from the Liquid Fuels Tax Fund that is payable the first day of
17 August, one thousand nine hundred and thirty-one, shall be made
18 under the provisions of the acts of Assembly repealed by this
19 act. Such amounts as represent the difference between the annual
20 fees prescribed in sections 709 and 710 of "The Vehicle Code"
21 and those fees charged pursuant to section 710.1 of "The Vehicle
22 Code" shall be paid into the Motor License Fund.] on the basis
23 of one thousand two hundred dollars (\$1,200) per mile of county-
24 owned roads and in addition thereto in the ratio that the number
25 of county bridge lane feet in the county bears to the number of
26 county bridge lane feet in all the counties. For the purposes of
27 this section, bridge lane feet means the sum of the length of
28 county bridges multiplied by the number of lanes.

29 All moneys received by the counties hereunder shall be
30 deposited and maintained in a special fund designated as the

1 "County Liquid Fuels Tax Fund" into which no other moneys shall
2 be deposited and commingled, except in any county which does not
3 have sufficient money in such special fund to provide for
4 payments designated in the current annual budget for payment
5 from such special fund for the purposes of construction,
6 reconstruction, maintenance and repair of roads, highways and
7 bridges, property damages, compensation of viewers for services
8 in eminent domain proceedings involving roads, highways and
9 bridges, and for the construction, reconstruction, operation and
10 maintenance of publicly owned ferryboat operations, interest and
11 principal payments on road, bridge or publicly owned ferryboat
12 operation bonds, or sinking fund charges for such bonds becoming
13 due within the current calendar year and for the acquisition,
14 maintenance, repair and operation of traffic signs and traffic
15 signals, and for the erection and maintenance of stop and go
16 signal lights, blinkers or other like traffic control devices.
17 The county, for the purpose of such payments and such payments
18 only, may borrow and place in such special fund moneys, not in
19 excess of the liquid fuels tax funds to be received during the
20 current calendar year, and all such loans shall be repaid from
21 such special fund before the expiration of the current calendar
22 year and not thereafter. Moneys so received and deposited shall
23 be used only for the purpose of construction, reconstruction,
24 maintenance, and repair of roads, highways and bridges,
25 including the payment of property damage and compensation of
26 viewers for services in eminent domain proceedings involving
27 such roads, highways and bridges, now due or hereafter to become
28 due, occasioned by or the relocation or construction of highways
29 and bridges, and for the construction, reconstruction, operation
30 and maintenance of publicly owned ferryboat operations, and for

1 the payment of interest and sinking fund charges on bonds issued
2 or used for highways and bridge purposes and publicly owned
3 ferryboat operations, or on so much of any bonds as have been
4 used for such purposes and for the acquisition, maintenance,
5 repair and operation of traffic signs and traffic signals and
6 all payments made by any county, either directly or indirectly,
7 prior to the first day of January, one thousand nine hundred and
8 forty-six, for any or all such purposes are hereby validated:
9 Provided, That no expenditures from the county liquid fuels tax
10 fund shall be made by the county commissioners for new
11 construction on roads, bridges or publicly owned ferryboat
12 operations without first having obtained the approval of the
13 plans for such construction from the Department of
14 Transportation: And provided further, That the county
15 commissioners shall not allocate moneys from the county liquid
16 fuels tax fund to any political subdivision within the county,
17 until the application and the contracts or plans for the
18 proposed expenditures have been made on forms, prescribed,
19 prepared and furnished, and first approved by the Department of
20 Transportation. The county commissioners of each county shall
21 make to the Department of Transportation, on or before the
22 fifteenth day of January for the period ending December thirty-
23 first of each year, on forms prescribed, prepared, and furnished
24 by the Department of Transportation, a report showing the
25 receipts and expenditures of such moneys received by the county,
26 from the Commonwealth under the provisions of this section.
27 Copies of such report shall be transmitted to the department and
28 to the Department of the Auditor General for audit. Upon the
29 failure of the county commissioners to file such report, or to
30 make any payments, allocations or expenditures, in compliance

1 with the provisions of this section, the department shall
2 withhold further payments to the county out of the Liquid Fuels
3 Tax Fund until the delinquent report is filed, transmitted, or
4 said moneys allocated, or said expenditures for the prior twelve
5 months are approved by the Department of Transportation.

6 * * *

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