
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2126 Session of
2021

INTRODUCED BY SCHROEDER, MILLARD AND TOPPER, DECEMBER 2, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 2, 2021

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in preliminary provisions relating to
3 aviation, further providing for Aviation Restricted Account;
4 and making a related repeal.

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

7 Section 1. Section 5103 of Title 74 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5103. Aviation Restricted Account.

10 (a) Creation of account.--There is hereby created a special
11 account in the [State Treasury] Motor License Fund which shall
12 be known as the Aviation Restricted Account.

13 (b) Source.--The revenue from the following sources shall be
14 deposited in the Aviation Restricted Account:

15 (1) Proceeds of all excise taxes upon the use of fuel in
16 aircraft engines.

17 (2) The cost of the use of department aircraft by
18 Commonwealth agencies and the General Assembly, charged under
19 section 5302 (relating to aircraft for official use).

1 (3) Money collected under sections 5703 (relating to
2 disposition of fines, fees and forfeitures) and 5901
3 (relating to Harrisburg International Airport).

4 (4) Proceeds from the sale of State-owned airports or
5 property thereon.

6 (5) Proceeds from rents, fees and other money derived
7 from any source under section 5903 (relating to authority of
8 department).

9 (6) All interest earned on money in the account.

10 (c) Use of account.--The money in the account, after
11 providing for the cost of administration and collection of the
12 excise tax upon the use of fuel in aircraft or aircraft engines,
13 shall be appropriated by the General Assembly to the department
14 or political subdivisions for use in the following manner:

15 (1) The portion of the account derived from the tax on
16 fuel sold for use in propeller-driven piston aircraft or
17 aircraft engines as provided for in 75 Pa.C.S. Ch. 90
18 (relating to liquid fuels and fuels tax) and all the money
19 collected under section 6121 (relating to tax on aviation
20 fuels) shall be reserved solely for local real estate tax
21 reimbursements for public airports, for costs of
22 administering the program as provided for in section 6122(e)
23 (relating to allocation of funds) and for payment of
24 obligations incurred for such purposes. This portion of the
25 account shall be maintained by the State Treasurer and shall
26 be administered by the department. On or before February 1 of
27 each year, the State Treasurer shall notify the department of
28 the money collected and deposited in that portion of the
29 account reserved solely for local real estate tax
30 reimbursements for the preceding calendar year. The

1 notification shall include any money gained through the State
2 Treasurer's investment of revenue.

3 (2) The portion of the account derived from the tax on
4 fuel sold for use in turbine-propelled jet, turbojet and jet-
5 driven aircraft and aircraft engines as provided for in 75
6 Pa.C.S. Ch. 90 and all the money collected under section 6131
7 (relating to tax on jet fuels) shall be appropriated to fund
8 the continuation of existing aviation programs, including:

9 (i) Aviation development grants.

10 (ii) A runway marking program for public airports.

11 (iii) Administration, operation and maintenance of
12 all State-owned airports, other than Harrisburg
13 International Airport.

14 (iv) Payment of debt service for improvements on
15 State-owned airports, including improvements at
16 Harrisburg International Airport authorized prior to July
17 1, 1984.

18 (v) Matching fund programs for public airports as
19 determined by the Statewide regional apportionment
20 formula.

21 (vi) The operations of the Bureau of Aviation. The
22 sum allotted for Bureau of Aviation operations shall not
23 exceed the amount of aviation development grants.

24 (3) The balance of the account may be used for:

25 (i) The purchase, construction, reconstruction,
26 operation and maintenance of State-owned airports,
27 including Harrisburg International Airport.

28 (ii) The operation, maintenance and other costs of
29 aircraft owned or leased by the Commonwealth.

30 (iii) Any other purpose reasonably related to air

1 navigation.

2 (4) The money in the account shall not be diverted by
3 transfer or otherwise to any other purpose.

4 Section 2. Repeals are as follows:

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to effectuate the addition of 74
7 Pa.C.S. § 5103(b) and (c).

8 (2) Section 530 of the act of April 9, 1929 (P.L.177,
9 No.175), known as The Administrative Code of 1929, is
10 repealed. The following apply:

11 (i) Except as otherwise provided in 74 Pa.C.S. §
12 5103(b) and (c), all activities initiated under section
13 530 of The Administrative Code of 1929 shall continue and
14 remain in full force and effect and may be completed
15 under 74 Pa.C.S. § 5103(b) and (c). Orders, regulations,
16 rules and decisions which were made under section 530 of
17 The Administrative Code of 1929 and which are in effect
18 on the effective date of this section shall remain in
19 full force and effect until revoked, vacated or modified
20 under 74 Pa.C.S. § 5103(b) and (c). Contracts,
21 obligations and collective bargaining agreements entered
22 into under section 530 of The Administrative Code of 1929
23 are not affected nor impaired by the repeal of section
24 530 of The Administrative Code of 1929.

25 (ii) Any difference in language between 74 Pa.C.S. §
26 5103(b) and (c) and section 530 of The Administrative
27 Code of 1929 is intended only to conform to the style of
28 the Pennsylvania Consolidated Statutes and is not
29 intended to change or affect the legislative intent,
30 judicial construction or administration and

1 implementation of section 530 of The Administrative Code
2 of 1929.
3 Section 3. This act shall take effect in 60 days.