

No. 156

AN ACT

HB 116

Amending the act of May 21, 1931 (P.L.149, No.105), entitled, as amended, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are practically, and commercially suitable for use in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," excepting volunteer fire, ambulance and rescue companies from the liquid fuels tax.

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

Section 1. Section 4, act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," amended February 1, 1974 (P.L.27, No.10), is amended to read:

Section 4. Imposition of Tax; Exemptions and Deductions.—A permanent State tax of eight cents a gallon, or fractional part thereof, is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth, excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department, and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States and excepting liquid fuels used as fuel in aircraft or aircraft engines and excepting liquid fuels delivered to the Commonwealth, every political subdivision, *any volunteer fire company, any volunteer ambulance service, any volunteer rescue squad*, any second class county port authority and nonpublic schools not operated for profit on presentation of evidence satisfactory to the department. The tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels.

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

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

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

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

Section 2. The second paragraph of section 17 of the act, amended March 12, 1957 (P.L.8, No.3), is amended to read:

Section 17. Refunds.—* * *

Any person who shall use or buy liquid fuels on which the tax imposed by this act shall have been paid and shall consume the same *(i)* in the operation of any nonlicensed farm tractor or licensed farm tractor when used off the highways for agricultural purposes or nonlicensed powered farm machinery for purposes relating to the actual production of farm products *or (ii) in the operation of a vehicle of a volunteer fire company, volunteer ambulance service or volunteer rescue squad* shall be reimbursed the full amount of such tax.

* * *

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1975.

MILTON J. SHAPP