

No. 157

AN ACT

HB 117

Amending the act of January 14, 1952 (P.L.1965, No.550), entitled, as amended, "An act imposing a permanent and a temporary State tax on fuels used within the Commonwealth in internal combustion engines for the generation of power to propel motor vehicles using the public highways; imposing a permanent tax on the fuels used in aircraft or aircraft engines; providing for the collection and lien of the tax and the distribution and use of the proceeds thereof; requiring dealer-users to secure licenses and to file bonds as a guarantee of payment of taxes, penalties, interest, fines, uncollectible check fees and Attorney General's fees, to file reports and to compile and retain certain records; requiring registration of carriers for hire; imposing duties on such persons; requiring persons selling or delivering fuels to licensed dealer-users to furnish information; imposing certain costs on counties; conferring powers and imposing duties on State officers and departments; providing for refunds of taxes, penalties and interest illegally or erroneously collected from licensees; and providing penalties," excluding volunteer fire, ambulance and rescue companies from the fuel use tax.

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

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

Section 4. Imposition of Tax Exemptions.—A permanent excise tax at the rate of eight cents (8¢) a gallon or fractional part thereof is hereby imposed on all dealer-users upon the use of fuel within this Commonwealth, except the use of fuel in aircraft or aircraft engines, to be computed in the manner hereinafter set forth. The tax herein imposed shall not apply on fuels not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States. The tax herein imposed and assessed shall be paid to the Commonwealth but once in respect to any fuels used within the Commonwealth. No tax is hereby imposed upon (1) any fuel that is used by or sold and delivered to the United States government, when such sales and deliveries are supported by documentary evidence satisfactory to the department, or (2) upon any fuel not in excess of fifty (50) gallons brought into this Commonwealth in the fuel supply tanks or other fueling receptacles or devices of a motor vehicle, or (3) upon any fuel used by or sold or delivered for use in farm machinery or equipment, engaged in the production or harvesting of farm or agricultural products involving the use of the public highways within a ten (10) mile radius of the domicile of the owner of the machinery or equipment, when such sales and deliveries are supported by documentary evidence satisfactory to the department, or (4) upon any fuel used by or sold or delivered to

the Commonwealth of Pennsylvania, its political subdivisions, **any volunteer fire company, any volunteer ambulance service, any volunteer rescue squad**, any second class county port authority and any nonpublic schools not operated for profit, when such sales and deliveries are supported by documentary evidence satisfactory to the department.

In lieu of the foregoing taxes, a permanent excise tax at the rate of one and one-half cents a gallon, or fractional part thereof, is hereby imposed on all dealer-users upon the use of 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 of fuel used in turbine propeller jet, turbo-jet, or jet driven aircraft or aircraft engines, to be computed in the manner hereinafter set forth. 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. The tax herein imposed shall not apply on fuels not within the taxing power of this Commonwealth under The Commerce Clause of the Constitution of the United States. The tax herein imposed and assessed shall be paid to the Commonwealth but once in respect to any fuels. No tax is hereby imposed upon (1) any fuel that is used by or sold and delivered to the United States government when such sales and deliveries are supported by documentary evidence satisfactory to the department, or (2) upon any fuel brought into this Commonwealth in the fuel supply tanks or other fueling receptacles or devices of an aircraft or aircraft engine, or (3) upon any fuel used or sold or delivered to the Commonwealth of Pennsylvania, its political subdivisions, **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, for official use when such sales and deliveries are supported by documentary evidence satisfactory to the department.

The Pennsylvania Aeronautics Commission is authorized to make allocations of taxes collected under this act to airports in proportion to the average of their allocations received from the Pennsylvania Aeronautics Commission during the period for which they have received such allocations not to exceed five (5) years or, in the case of airports having no such allocation experience, in equal proportion with other airports based upon comparative collections under this tax.

Section 2. Section 16 of the act is amended by adding after the second paragraph a paragraph to read:

Section 16. Refunds.—* * *

Any person who shall use any fuel on which the tax imposed by this act has been paid and shall consume the same in a motor vehicle of a volunteer fire company, volunteer ambulance service or volunteer rescue squad shall be reimbursed the full amount of the tax.

* * *

Section 3. This act shall take effect immediately.

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

MILTON J. SHAPP