

No. 1989-13

AN ACT

HB 338

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," further providing for acceptable security in lieu of surety bonds.

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

Section 1. Section 3(f) of the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, amended May 22, 1933 (P.L.917, No.170), is amended to read:

Section 3. Liquid Fuels Permit; Bond or Deposit of Securities.—* * *

(f) Any person required by the provisions of this section to file a surety bond may, in lieu thereof, deposit with the State Treasurer bonds of the United States or of the Commonwealth of Pennsylvania, the par value thereof to be of the amount of the surety bond required of such person *or present to the State Treasurer satisfactory evidence of financial guarantees in the form of an irrevocable letter of credit from a financial institution authorized to do business in the Commonwealth*. The treasurer shall issue to such person a certificate of such deposit *or financial guarantee*, which he shall file with the Department of Revenue. Such securities *or letter of credit* deposited with the State Treasurer shall be held as a guarantee that the holder of the permit shall faithfully comply with the provisions of this act during the effective period of his permit. The said securities *or letter of credit* shall be retained by the State Treasurer for a period of sixty (60) days after the termination of the permit of such person, whether by his own act or by action of the department, and such securities *or letter of credit* shall not be released from any liability to the Commonwealth already accrued or which shall accrue before the expiration of the sixty day period. At the end of such sixty day period, the said securities *or letter of credit* shall be returned to their owner only if all claims of the Commonwealth, guaranteed by such deposit, have been fully satisfied.

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

APPROVED—The 29th day of June, A. D. 1989.

ROBERT P. CASEY