

Penalty. Any person failing to comply with the signals or requests of peace officers or department employes, as provided in this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

APPROVED—The 28th day of May, A. D. 1956.

GEORGE M. LEADER

No. 594

AN ACT

To further amend the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149), 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," by imposing a tax on fuels used for the generation of power in aircraft and aircraft engines; further regulating the collection, disposition and refund thereof, and the licensing of distributors.

The Liquid Fuels
Tax Act.

Section 2, act of
May 21, 1931,
P. L. 149, as
amended, further
amended.

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

Section 1. The definition of "Distributor" in section two of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149), 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," is hereby amended to read as follows:

Section 2. Definitions.—The following words, terms, and phrases, when used in this act, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

* * * * *

"Distributor." Any person, as herein defined, who or which—

1. *Produces, refines, prepares, blends, distills, manufactures, or compounds liquid fuels in the Commonwealth of Pennsylvania for his own use therein, or for sale and delivery therein.

2. Imports or causes to be imported from any other state or territory of the United States, or from a foreign country, liquid fuels for his own use in the Commonwealth of Pennsylvania, or for sale and delivery in and after reaching the Commonwealth, other than in the original package, receptacle, or container.

3. Imports or causes to be imported from any other state or territory of the United States liquid fuels for his own use in the Commonwealth of Pennsylvania, or for sale and delivery therein, after the same have come to rest or storage therein whether or not in the original package, receptacle, or container.

4. Purchases or receives liquid fuels in the original package, receptacle, or container in the Commonwealth of Pennsylvania for his own use, or for sale and delivery therein, from any person who has imported the same from a foreign country.

5. Purchases or receives liquid fuels in the original package, receptacle, or container in the Commonwealth of Pennsylvania for his own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, in case such liquid fuels have not, prior to such purchase or receipt, come to rest or storage in the Commonwealth of Pennsylvania.

6. Receives and, in any manner, uses or distributes liquid fuels in the Commonwealth of Pennsylvania on which the tax provided for in this act has not been previously paid.

7. *Owns or operates aircraft, aircraft engines or facilities for delivery of liquid fuels to aircraft or aircraft engines, who elect, with the permission of the Secretary, to qualify and obtain a permit as a distributor.*

* "producers" in original.

Section 4, act of May 21, 1931, P. L. 149, last amended May 31, 1955, P. L. 58, and September 3, 1955, P. L. 558, further amended.

Section 2. Section four of said act as last amended by the acts, approved the thirty-first day of May, one thousand nine hundred fifty-five (Pamphlet Laws 58) (Act No. 29), and the third day of September, one thousand nine hundred fifty-five (Pamphlet Laws 558) (Act No. 137), is hereby further amended to read as follows:

Section 4. Imposition of Tax; Exemptions and Deductions.—A permanent State tax of three 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.* The tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels.

In addition to such tax an additional State tax of two 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 the period beginning the first day of July, one thousand nine hundred thirty-five, and ending on the thirty-first day of May, one thousand nine hundred fifty-seven.

In addition to the foregoing taxes, a further additional 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 the period beginning the [tenth day after the effective date of this amending act] *thirteenth day of September, one thousand nine hundred fifty-five*, and ending at the end of two years thereafter.

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 aircraft or aircraft engines, and 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 jet or turbo-jet propelled 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 tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof.

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

Section 3. The first paragraph of subsection (a) of section ten of said act as last amended by the act, approved the twenty-ninth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 485), is hereby further amended to read as follows:

The first paragraph, subsection (a), section 10, act of May 21, 1931, P. L. 149, last amended May 29, 1951, P. L. 485, further amended.

Section 10. Disposition and Use of Tax.—(a) One-half cent per gallon of the permanent tax of *three cents a gallon* collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury; and such moneys, paid into said fund, are hereby specifically appropriated for the purposes hereinafter set forth.

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Section 4. Subsection (d) of section ten of said act as last amended by the act, approved the third day of September, one thousand nine hundred fifty-five (Pamphlet Laws 558) (Act No. 137), is hereby further amended to read as follows:

Subsection (d), section 10, act of May 21, 1931, P. L. 149, last amended September 3, 1955, P. L. 558, further amended.

Section 10. Disposition and Use of Tax.—

* * * * *

(d) The remaining two and one-half cents per gallon of the permanent tax [and] of *three cents a gallon*, all additional taxes collected under the provisions of this act, *the permanent tax of one and one-half cents a gallon imposed and assessed on liquid fuels used or sold and delivered for use as a fuel in propeller-driven aircraft or aircraft engines and one and one-half cents a gallon on liquid fuels used or sold and delivered for use as a fuel in jet or turbo-jet propelled aircraft or aircraft engines in lieu of other taxes*, all penalties and interests and all interest earned on deposits of the Liquid Fuels Tax Fund, shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law.

Section 5. Section seventeen of said act as last amended by the act, approved the twenty-seventh day of May, one thousand nine hundred fifty-three (Pamphlet Laws 254), is hereby further amended to read as follows:

Section 17, act of May 21, 1931, P. L. 149, last amended May 27, 1953, P. L. 254, further amended.

Section 17. Refunds.—The Board of Finance and Revenue may refund to distributors taxes, penalties, and interest paid by them on liquid fuels delivered to the United States government, or paid as the result of an error of law or of fact or of both law and fact. Claims for such refunds shall be made under the procedure prescribed by The Fiscal Code.

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 in the operation of any non-licensed farm tractor or licensed farm tractor when used off the highways for agricultural purposes or non-licensed powered farm machinery for purposes relating to the actual production of farm products shall be reimbursed one-half the amount of such tax.

Any person who shall use or buy any liquid fuel on which a tax imposed by this act in excess of one and half cents a gallon shall have been paid and shall use such liquid fuel in propeller-driven aircraft or aircraft engines, or who shall use or buy any liquid fuel on which a tax imposed by this act in excess of one and one-half cents per gallon shall have been paid and shall use such liquid fuel in jet or turbo-jet propelled aircraft or aircraft engines, shall be reimbursed in the amount of such excess.

All such claims for reimbursement shall be made upon a form to be furnished by the Board of Finance and Revenue and shall include, in addition to such other information as the board may by regulation prescribe, the name and address of the claimant, the period of time and the number of gallons of liquid fuels used for which reimbursement is claimed, a description of the farm machinery, *aircraft or aircraft engine* in which such liquid fuels have been used and the purposes for which such machinery, *aircraft or aircraft engine* has been used, the size of the farm and part thereof in cultivation on which such liquid fuels have been used. Each such claim shall contain statements that the liquid fuels for which reimbursement is claimed have been used only for purposes for which reimbursements are permitted, that records of the amounts of such fuels used in each piece of farm machinery, *aircraft or aircraft engine* have been kept, and that no part of such claim has been paid except as stated. Each such claim shall contain a declaration that it and accompanying receipts are true and correct to the best of claimant's knowledge and shall be signed by the claimant or the person claiming on his behalf. Every claim shall be accompanied by receipts indicating that the liquid fuels or *excess liquid fuels* tax was paid on the liquid fuels for which reimbursement is claimed. All records of purchases of liquid fuels and

use in each tractor or powered machinery, *aircraft or aircraft engine* shall be kept for a period of two years. Every such claim shall be made annually for the preceding year ending on the thirtieth day of June and shall be submitted to the Board of Finance and Revenue not later than the thirtieth day of September of each year and the board shall refuse to consider any claim received or post-marked later than such date. The claimant shall satisfy the board that he has paid the tax and that the liquid fuels have been consumed by him for purposes for which reimbursements are permitted under this section. The board may require any claimant to furnish such further information, proof, or fuller explanation as it shall deem necessary. The action of the Board of Finance and Revenue in granting or refusing reimbursement shall be final. The board shall deduct the sum of one dollar and fifty cents (\$1.50), which shall be considered as a filing fee, from every claim for reimbursement granted. Such filing fees are hereby specifically appropriated to the Board of Finance and Revenue and to the Department of Revenue for expenses of any nature whatsoever incurred in the administration of the reimbursement provisions of this act. The Board of Finance and Revenue shall have the power to refer to the Department of Revenue, for investigation, any claim for reimbursement filed under the provisions of this act and it shall be the duty of the Department of Revenue to investigate such application and report to the Board of Finance and Revenue relative thereto. Any person making any false or fraudulent statement for the purpose of obtaining reimbursement shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1000) or to undergo imprisonment for not more than six (6) months, or both.

All refunds and reimbursements of moneys allowed hereunder shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such moneys into said funds: Provided, [however,] That reimbursement for taxes paid on liquid fuels consumed in the operation of tractors and powered machinery for purposes relating to the actual production of farm products *and reimbursement for taxes paid on liquid fuels used in aircraft or aircraft engines* shall be paid out of the Motor License Fund.

As much of the moneys, from time to time, in the Motor License Fund and the Liquid Fuels Tax Fund, as may be necessary, is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds and reimbursements as herein authorized. Esti-

mates of the amounts to be expended from these funds for refunds and reimbursements, from time to time, by the board shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments, boards, and commissions; and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor.

The provisions of this section relating to partial reimbursement of taxes paid on liquid fuels consumed in the operation of tractors and powered machines for purposes relating to the actual production of farm products shall apply only to liquid fuels purchased on and after the first day of July, one thousand nine hundred forty-nine, and before the thirtieth day of June, one thousand nine hundred fifty-five.

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 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. In no case shall the amount apportioned to the airport be less than the highest amount apportioned in any one of the previous five years.

Effective date.

Section 6. The provisions of this act shall become effective the first day of June, one thousand nine hundred fifty-six.

APPROVED—The 28th day of May, A. D. 1956.

GEORGE M. LEADER

No. 595

AN ACT

To amend the title and sections two and four of the act, approved the fourteenth day of January, one thousand nine hundred fifty-two (1951-1952 Pamphlet Laws 1965), entitled "An act imposing a permanent and 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; 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