

Offered: 4/20/83
Referred: Rules

Original sponsors: Hayes, Martin,
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1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 40 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending motor fuel tax provisions; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 43.40.010(c) is amended to read:

10 (c) Every dealer who sells or otherwise transfers motor fuel in
11 the state shall collect the tax at the time of sale, and remit the
12 total tax collected during each calendar month of each year to the
13 Department of Revenue by the last day of each succeeding month. Every
14 user shall likewise remit the tax accrued on motor fuel actually used
15 by him during each month. If the monthly tax return is timely filed,
16 one percent of the total monthly tax due, limited to a maximum of
17 \$100, can be deducted and retained to cover the expense of accounting
18 and filing the monthly tax return. At the time the remittance is
19 made, each dealer or user shall submit a statement to the Department
20 of Revenue showing all [MOTOR] fuel which he has distributed or used
21 during the month.

22 * Sec. 2. AS 43.40.010(1) is amended to read:

23 (1) If a dealer has a reasonable belief at the time of sale or
24 transfer that fuel that is sold or transferred is not to be used as
25 motor fuel, the dealer need not collect the motor fuel tax. If the
26 tax is not collected, the dealer shall obtain a certificate of use
27 from the buyer or transferee stating that the fuel that has been or
28 will be purchased or received is not intended for use as motor fuel.
29 The Department of Revenue [DEPARTMENT] may not collect the motor fuel

1 tax from a dealer for fuel for which a certificate of use has been
2 properly obtained under this subsection. A certificate of use is not
3 required for fuel used to heat a residential housing accommodation as
4 defined in AS 34.06.050(3) or for fuel which is at least 10 percent
5 alcohol by volume. An annual certificate of use is required for all
6 other exemptions listed under AS 43.40.100(2), except certificate of
7 use needs under AS 43.40.100(2)(K) will be determined by the Depart-
8 ment of Revenue. The dealer shall retain a copy of each certificate
9 of use obtained under this subsection for examination or audit on
10 request by the Department of Revenue [DEPARTMENT]. The form of a
11 certificate of use may be prescribed by regulation adopted by the
12 department.

13 * Sec. 3. AS 43.40.035(a) is amended to read:

14 (a) A person who resells fuel on which the tax under AS 43.40.-
15 010(a) or (b) was previously paid is entitled to a credit or refund of
16 the tax if (1) the resold fuel is not motor fuel and the requirements
17 of AS 43.40.010(1) have been fulfilled [A CERTIFICATE OF USE IS AC-
18 QUIRED UNDER AS 43.40.010(1)]; or (2) the amount of tax previously
19 paid exceeds the tax due on the resale. The amount of the credit or
20 refund under this section is equal to the amount of tax previously
21 paid on the resold fuel less the amount of tax prescribed by AS 43.-
22 40.010(a) or (b).

23 * Sec. 4. AS 43.40.100(2) is amended by adding a new subparagraph to
24 read:

25 (L) fuel used in stationary power plants of 100 kw or
26 less that generate electrical power for commercial enterprises
27 not for resale;

28 * Sec. 5. This Act is retroactive to April 1, 1983.

29 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-

1 10.070(c).