



LAWS OF ALASKA

1990

Source

CSSB 180(Fin)

Chapter No.

182

AN ACT

Relating to the motor fuel tax and its exemptions; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 21, 1990
Actual Effective Date: July 1, 1990

AN ACT

Relating to the motor fuel tax and its exemptions;
and providing for an effective date.

* Section 1. AS 43.40 is amended by adding a new section to read:

Sec. 43.40.015. EXEMPTION FROM COLLECTION OF TAX. (a) A dealer who has a reasonable belief at the time of sale or transfer that fuel that is sold or transferred is not to be used as motor fuel need not collect the motor fuel tax. However, as to fuel for which the tax was not collected and for which a certificate of use was not obtained, if the department determines that the fuel was put to a use that is taxable under this chapter, the dealer is liable for the tax and subject to a civil penalty under AS 43.05.220(a) whether or not the dealer's belief that the fuel sold or transferred would not be used as motor fuel was reasonable.

(b) Except for sale or transfer of fuel under (d) of this section, if the motor fuel tax is not collected, the dealer shall obtain a certificate of use from the buyer or transferee at the time of the first sale or transfer of the fuel stating that the fuel that has been or will be purchased or received is not intended for use as motor fuel. The form of the certificate of use shall be prescribed by the department by regulation. The department may not collect the motor fuel tax from a dealer for fuel for which a certificate of use has been properly obtained under this subsection.

(c) A certificate of use must be renewed annually for exemptions

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1 listed under AS 43.40.100(2).

2 (d) A certificate of use is not required

3 (1) for fuel exempted under AS 43.40.100(2)(C), (F), or
4 (K); and

5 (2) for fuel exempted under AS 43.40.100(2)(J) other than
6 fuel sold or transferred under this exemption to a person who is
7 engaged in construction or mining activity.

8 * Sec. 2. AS 43.40.035(a) is amended to read:

9 (a) A person who resells fuel on which the tax under AS 43.40.-
10 010(a) or (b) was previously paid is entitled to a credit or refund of
11 the tax if (1) the resold fuel is not motor fuel and the requirements
12 of AS 43.40.015 [AS 43.40.010(1)] have been fulfilled; or (2) the
13 amount of tax previously paid exceeds the tax due on the resale. The
14 amount of the credit or refund under this section is equal to the
15 amount of tax previously paid on the resold fuel less the amount of
16 tax prescribed by AS 43.40.010(a) or (b).

17 * Sec. 3. AS 43.40.010(1) is repealed.

18 * Sec. 4. This Act takes effect July 1, 1990.