

House Bill 447

By: Representatives LaRiccia of the 169th, Lott of the 122nd, Rogers of the 10th, Reeves of the 34th, Smyre of the 135th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales
2 and use taxes, so as to exempt jet fuel from the state sales and use tax for a period of time and
3 to levy an excise tax on jet fuel during such period; to modify provisions for the use of
4 proceeds of taxes on jet fuel; to define a term; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use
9 taxes, is amended by revising Code Section 48-8-3.5, relating to taxation on sale or use of
10 jet fuel, to read as follows:

11 "48-8-3.5.

12 (a) The sale or use of jet fuel that is pumped into an aircraft in this state and the use of jet
13 fuel that is pumped into an aircraft in another state shall be exempt from all sales and use
14 tax except such tax levied:

15 (1) By the state pursuant to Code Section 48-8-30 at a rate that shall not exceed 4
16 percent;

17 (2) Pursuant to Article 2 of this chapter by a jurisdiction in which a sales and use tax was
18 levied on jet fuel on December 30, 1987, at a rate that shall not exceed the rate in effect
19 on December 30, 1987; and

20 (3) Pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243),
21 as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' by a
22 jurisdiction in which such tax was levied on jet fuel on December 30, 1987, at a rate that
23 shall not exceed the rate in effect on December 30, 1987.

24 (b) For the period of time beginning December 1, 2018, and ending at the last moment of
25 June 30, ~~2019~~ 2039, the sale or use of jet fuel that is pumped into an aircraft in this state
26 and the use of jet fuel that is pumped into an aircraft in another state;

- 27 (1) Shall ~~shall~~ be exempt from the sales and use tax levied by the state pursuant to
 28 Code Section 48-8-30; and
- 29 (2) An excise tax of \$0.005 per gallon shall be levied on all jet fuel that is exempt
 30 pursuant to paragraph (1) of this subsection. The legal incidence of such tax shall be
 31 imposed on the distributor and such distributor shall collect and remit such taxes in a
 32 manner to be proscribed by the commissioner.
- 33 (b.1) For the purposes of this Code section, 'distributor' means every person other than the
 34 United States or any of its agencies that:
- 35 (A) Produces, refines, prepares, distills, manufactures, blends, or compounds jet fuel
 36 in this state;
- 37 (B) Makes the first sale in this state of any jet fuel imported into this state after such
 38 jet fuel has been received in this state;
- 39 (C) Consumes or uses in this state any jet fuel imported into this state before such jet
 40 fuel has been received by any other person in this state;
- 41 (D) Purchases jet fuel for export from this state; or
- 42 (E) Imports jet fuel into this state for production, refining, preparation, distilling,
 43 manufacturing, blending, compounding, consumption, or use within this state.
- 44 (c) To the extent required to comply with 49 U.S.C. Sections 47107(b) and 47133, revenue
 45 derived from the levy of ~~sales and use~~ taxes on jet fuel and other fuels sold or used at an
 46 airport for aviation purposes shall be used for a state aviation program or airport related
 47 purposes. Any portion of such revenue so derived which is not required or exceeds the
 48 amount required for purposes of such compliance with federal law may be appropriated for
 49 other purposes as provided by law.
- 50 (d) The commissioner shall adopt rules and regulations to carry out the provisions of this
 51 Code section."

52 **SECTION 2.**

53 All laws and parts of laws in conflict with this Act are repealed.