
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1519 Session of
2013

INTRODUCED BY ELLIS, MILLARD, MUSTIO, R. MILLER, C. HARRIS,
GINGRICH, GROVE, DENLINGER, EVERETT AND REED, JUNE 12, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 12, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in motor carriers road tax identification markers,
3 further providing for definitions, for identification markers
4 and license or road tax registration card required, for false
5 statements and penalties and for exemptions; and providing
6 for uncollectible payments and for emergency proclamations;
7 in liquid fuels and fuels tax, further providing for
8 definitions, for liquid fuels and fuels permits and bond or
9 deposit of securities, for imposition of tax, exemptions and
10 deductions, for taxpayer, for distributor's report and
11 payment of tax, for determination and redetermination of tax,
12 penalties and interest due, for examination of records and
13 equipment, for retention of records by distributors and
14 dealers, for discontinuance or transfer of business, for
15 suspension or revocation of permits, for lien of taxes,
16 penalties and interest, for collection of unpaid taxes, for
17 reports from common carriers, for reward for detection of
18 violations, for refunds and for violations and for diesel
19 fuel importers and transporters, prohibiting use of dyed
20 diesel fuel on highways and violations and penalties; and
21 providing for emergency assistance in a timely manner and for
22 Electric Vehicle Road Fee Act, for road use fee imposed on
23 electric vehicles, for decoupling electricity from motor
24 fuels, for fees for highway maintenance and construction, for
25 exempt entities and for refunds and for motor carriers road
26 tax and the International Fuel Tax Agreement; and in motor
27 carriers road tax, further providing for definitions and for
28 records; providing for recordkeeping; further providing for
29 surety bond for payment of taxes, for penalty and interest
30 for failure to report or pay tax, for manner of payment and
31 recovery of taxes, penalties and interest, for timely mailing
32 treated as timely filing and payment; and providing for
33 method of filing and timeliness, for uncollectible payments
34 and for emergency assistance in a timely manner.

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

3 Section 1. The definition of "qualified motor vehicle" in
4 section 2101.1 of Title 75 of the Pennsylvania Consolidated
5 Statutes is amended and the section is amended by adding
6 definitions to read:

7 § 2101.1. Definitions.

8 The following words and phrases when used in this chapter and
9 in Chapter 96 (relating to motor carriers road tax) shall have
10 the meanings given to them in this section unless the context
11 clearly indicates otherwise:

12 "Department." The Department of Revenue of the Commonwealth.

13 * * *

14 "IFTA vehicle." A vehicle subject to the International Fuel
15 Tax Agreement, notwithstanding an exemption for the vehicle
16 provided by the law of an IFTA jurisdiction, including this
17 Commonwealth.

18 * * *

19 "Qualified motor vehicle." A motor vehicle, other than a
20 recreational vehicle, which is used, designed or maintained for
21 transportation of persons or property and:

22 (1) Having two axles and a gross weight or registered
23 gross weight exceeding 26,000 pounds.

24 (2) Having three or more axles regardless of weight.

25 (3) Used in combination, when the gross weight or
26 registered gross weight of the combination exceeds 26,000
27 pounds.

28 If there is no registered gross weight, then the gross vehicle
29 weight rating (GVWR) or gross combination weight rating (GCWR)
30 of the motor vehicle shall be used. Special mobile equipment

1 that would otherwise qualify under only paragraph (1), (2) or
2 (3) is considered a qualified motor vehicle. The term includes a
3 vehicle exempt from the motor carrier road tax under section
4 2105 (relating to exemptions) and a vehicle exempt from motor
5 fuel taxes under Chapter 90 (relating to liquid fuels, fuels tax
6 and electric vehicle road fee).

7 "Special mobile equipment." The term includes the special
8 mobile equipment registered and plated as such by the Department
9 of Transportation under Chapter 13 (relating to registration of
10 vehicles).

11 Section 2. Sections 2102(b) and (d)(2) and 2103(a) and (a.1)
12 of Title 75 are amended and the sections are amended by adding
13 subsections to read:

14 § 2102. Identification markers and license or road tax
15 registration card required.

16 * * *

17 (a.1) IFTA decals, changes in disposition, tax liability and
18 recordkeeping.--

19 (1) An IFTA licensee is responsible for notifying the
20 department in writing of a change to the licensee's IFTA
21 account including, but not limited to, an account
22 cancellation, address change and change to the use of issued
23 decals.

24 (i) When a vehicle to which IFTA decals have been
25 affixed is sold, traded or otherwise disposed of by the
26 operator or passes from control of the operator through
27 lease or otherwise, the motor carrier must notify the
28 department within 30 days after the vehicle leaves the
29 licensee's service. Proper notification must include the
30 taxpayer's or carrier's account number, tractor

1 registration plate number, the date of disposition change
2 and the name and address of the person in possession of
3 the vehicle. This notification must be mailed, faxed or
4 e-mailed to the department.

5 (ii) Canceled decals, if recoverable, must remain in
6 the licensee's files for at least four years for auditing
7 purposes.

8 (2) A licensee to whom an identification card and decals
9 were issued shall be liable for taxes applicable to the
10 operations of the vehicles licensed until the date the
11 department receives proper notification of disposition or
12 loss of control of the vehicles licensed. The licensee's
13 liability for such vehicles will terminate upon the date of
14 disposition or loss of control if the carrier provides the
15 department notification of vehicle disposition or loss of
16 control of the licensed vehicles within 30 days of
17 disposition or loss of control.

18 (3) For carriers using independent contractors under
19 long-term leases that are 30 days or longer, the lessor and
20 lessee may designate which party will report and pay fuel use
21 tax. In the absence of a written agreement or contract or if
22 the document is silent regarding responsibility for reporting
23 and paying fuel use tax, the lessee will be responsible for
24 reporting and paying fuel use tax.

25 (4) Decals cannot be transferred from one vehicle to
26 another or from one company to another.

27 (5) Unless otherwise provided for by statute, once a
28 decaded or licensed vehicle passes control from a taxpayer to
29 another, the decal and license are void immediately.

30 (6) A decal purchased but unused during a registration

1 year must be kept in the licensee's files for four years for
2 auditing purposes.

3 (7) If the carrier fails to notify the department of
4 changes in disposition of decals, the carrier may provide the
5 department with:

6 (i) evidence of the carrier's written policy
7 requiring canceled decals to be returned; and

8 (ii) physical evidence that the decals were removed.
9 The department may consider the evidence in lieu of timely
10 notification as required in this section.

11 (7.1) A vehicle bearing an IFTA decal is considered an
12 IFTA vehicle.

13 (8) The provisions of this subsection do not apply if
14 the vehicle has been stolen and a report of the theft has
15 been made to an appropriate law enforcement agency.

16 (a.2) Application.--The application must set forth the names
17 and addresses of the principal officers or owners of the entity
18 and other information prescribed by the department for purposes
19 of identification. The application must be signed and verified
20 by oath or affirmation by:

21 (1) the owner, if the applicant is an individual;

22 (2) a member or partner, if the applicant is an
23 association; or

24 (3) an officer or an individual authorized in writing
25 attached to the application, if the applicant is a
26 corporation.

27 (b) Fee.--[The fee for issuance of identification markers
28 shall be \$5 per vehicle.] The department may charge an
29 administrative fee for issuance of identification markers for
30 each qualified motor vehicle.

1 * * *

2 (d) Operation without identification markers unlawful.--
3 Except as provided in paragraphs (2) and (3), it shall be
4 unlawful to operate or to cause to be operated in this
5 Commonwealth any qualified motor vehicle unless the vehicle
6 bears the identification markers required by this section or
7 valid and unrevoked IFTA identification markers issued by
8 another IFTA jurisdiction.

9 * * *

10 (2) For a period not exceeding 30 days as to any one
11 motor carrier, the Secretary of Revenue by letter or telegram
12 may authorize the operation of a qualified motor vehicle or
13 vehicles without the identification markers required when
14 both the following are applicable:

15 (i) enforcement of this section for that period
16 would cause undue delay and hardship in the operation of
17 such qualified motor vehicle; and

18 (ii) the motor carrier is registered and/or licensed
19 for the motor carriers road tax with the Department of
20 Revenue or has filed an application therefor with the
21 Department of Revenue:

22 (A) The department may charge an administrative
23 fee for such temporary permits [shall be \$5] for each
24 qualified motor vehicle which shall be deposited in
25 the Highway Bridge Improvement Restricted Account
26 within the Motor License Fund.

27 (B) Conditions for the issuance of such permits
28 shall be set forth in regulations promulgated by the
29 Department of Revenue.

30 (C) A temporary permit issued by another IFTA

1 jurisdiction under authority similar to this
2 paragraph shall be accorded the same effect as a
3 temporary permit issued under this paragraph.

4 * * *

5 § 2103. False statements and penalties.

6 (a) False statements.--Any person who willfully and
7 knowingly makes, publishes, delivers or utters a false statement
8 orally, or in writing, or in the form of a receipt for the sale
9 of motor fuel, for the purpose of obtaining or attempting to
10 obtain, or to assist any person to obtain or attempt to obtain,
11 a credit or refund or reduction of liability for taxes under
12 this chapter or Chapter 96 (relating to motor carriers road tax)
13 shall be guilty of a summary offense and, upon conviction
14 thereof, for a first offense shall be sentenced to pay a fine of
15 not less than \$100 nor more than [~~\$500~~] \$1,000; and for each
16 subsequent or additional offense, a fine of not less than \$200
17 nor more than [~~\$500~~] \$2,000, or undergo imprisonment for a term
18 not exceeding 90 days, or both.

19 (a.1) Operation without identification marker.--
20 Notwithstanding the provisions of subsection (b), any person who
21 violates section 2102(d) (relating to identification markers
22 required) and who can adequately establish an absence of knowing
23 and willful intent shall be guilty of a summary offense [and
24 shall be sentenced to pay a fine of \$25].

25 (a.2) Accountability for decals.--Notwithstanding the
26 provisions of subsection (b), a person who, upon inspection,
27 examination or audit by the department, cannot account for the
28 IFTA decals issued to the person commits a summary offense and
29 shall be sentenced to pay a fine of not less than \$500 nor more
30 than \$1,000 per each unaccounted decal.

1 * * *

2 Section 3. Section 2105 of Title 75 is amended to read:

3 § 2105. Exemptions.

4 [(a) General rule.--The requirements of this chapter and
5 Chapter 96 (relating to motor carriers road tax) do not apply to
6 the following vehicles:

7 (1) A qualified motor vehicle bearing a Pennsylvania
8 farm vehicle registration plate and operated in accordance
9 with the restrictions of section 1344 (relating to use of
10 farm vehicle plates) or a qualified motor vehicle registered
11 and operated under provisions of another jurisdiction
12 determined by the Department of Revenue to be similar to
13 those restrictions.

14 (2) A qualified motor vehicle exempt from registration
15 as a farm vehicle and operated in accordance with the
16 restrictions of section 1302(10) (relating to vehicles exempt
17 from registration) or a qualified motor vehicle operated
18 under provisions of another jurisdiction determined by the
19 Department of Revenue to be similar to those restrictions.

20 (3) An emergency vehicle as defined by section 102
21 (relating to definitions).

22 (4) A qualified motor vehicle operated by or on behalf
23 of any department, board or commission of the Commonwealth,
24 or any political subdivision thereof, or any quasi-
25 governmental authority of which this Commonwealth is a
26 participating member, or any agency of the Federal Government
27 or the District of Columbia, any foreign country, or of any
28 state or any political subdivision thereof which grants
29 similar exemptions to publicly owned vehicles registered in
30 this Commonwealth.

1 (5) A school bus.

2 (5.1) A motorbus owned by and registered to a church.

3 (6) An implement of husbandry as defined by section 102.

4 (7) Special mobile equipment as defined by section 102.

5 (8) An unladen or towed motor vehicle or unladen trailer
6 which enters this Commonwealth solely for the purpose of
7 securing repairs or reconditioning. The repair facility shall
8 furnish to the motor carrier a certificate to be carried by
9 the qualified motor vehicle operator while the vehicle is in
10 this Commonwealth for the purposes of this paragraph.

11 (9) A qualified motor vehicle needing emergency repairs
12 which secures authorization from the Pennsylvania State
13 Police to enter this Commonwealth under this section.

14 (10) A commercial implement of husbandry.]

15 (a) Exempt entities.--Any motor carrier that is exempt from
16 motor fuels taxes under section 9004(e) (relating to imposition
17 of tax, exemptions and deductions) shall be exempt from the
18 motor carriers road tax imposed under Chapter 96 (relating to
19 motor carriers road tax). The motor carrier is not required to
20 do any of the following:

21 (1) Display any road tax identification markers.

22 (2) Carry a cab card.

23 (3) File motor carrier road tax report.

24 (b) Vehicle exemptions.--The following Pennsylvania-licensed
25 and registered vehicles, if traveling only within this
26 Commonwealth and no other jurisdictions, are exempt from the
27 motor carriers road tax imposed under Chapter 96 and are not
28 required to report or display road tax identification markers:

29 (1) A qualified motor vehicle bearing a Pennsylvania
30 farm vehicle registration plate and operated in accordance

1 with the restrictions under section 1344 (relating to use of
2 farm vehicle plates) or a qualified motor vehicle registered
3 and operated under provisions of another jurisdiction
4 determined by the Department of Revenue to be similar to the
5 restrictions under section 1344.

6 (2) A qualified motor vehicle exempt from registration
7 as a farm vehicle and operated in accordance with the
8 restrictions under section 1302(10) (relating to vehicles
9 exempt from registration) or a qualified motor vehicle
10 operated under provisions of another jurisdiction determined
11 by the Department of Revenue to be similar to the
12 restrictions under section 1302(10).

13 (3) An emergency vehicle.

14 (4) A qualified motor vehicle operated by or on behalf
15 of any department, board or commission of the Commonwealth,
16 or any political subdivision thereof, or any quasi-
17 governmental authority of which the Commonwealth is a
18 participating member, or any agency of the Federal Government
19 or the District of Columbia, any foreign country or of any
20 state or any political subdivision thereof which grants
21 similar exemptions to publicly owned vehicles registered in
22 this Commonwealth.

23 (5) A school bus qualifying for exemption under section
24 9004(e)(5) (relating to imposition of tax, exemptions and
25 deductions).

26 (5.1) A motorbus owned by and registered to a church.

27 (6) An implement of husbandry.

28 (7) Special mobile equipment.

29 (8) A commercial implement of husbandry.

30 (c) Special vehicle exemptions.--The following types of

1 vehicles entering this Commonwealth are exempt from the motor
2 carriers road tax imposed under Chapter 96 and are not required
3 to report or display road tax identification markers:

4 (1) An unladen or towed motor vehicle or unladen trailer
5 which enters this Commonwealth solely for the purpose of
6 securing repairs or reconditioning. The repair facility shall
7 furnish to the motor carrier a certificate to be carried by
8 the qualified motor vehicle operator while the vehicle is in
9 this Commonwealth.

10 (2) A qualified motor vehicle needing emergency repairs
11 which secures authorization from the Pennsylvania State
12 Police to enter this Commonwealth.

13 (d) Recordkeeping requirements.--All qualified motor
14 vehicles, regardless whether or not the vehicle is exempt from
15 the motor carrier road tax under this section, must maintain
16 proper records of travel routes, fuel and miles, in accordance
17 with the recordkeeping provisions of section 9610 (relating to
18 records).

19 (e) Motor carrier road tax imposed.--Notwithstanding
20 subsections (a) and (b), the department may impose the motor
21 carrier road tax imposed under Chapter 96 on any qualified motor
22 vehicle for which proper records are not available to
23 substantiate travel routes, fuel and miles, in accordance with
24 the recordkeeping provisions of section 9610.

25 (f) IFTA reporting required for interstate travel.--The
26 following shall apply:

27 (1) Notwithstanding the exemptions under subsections (a)
28 and (b), any qualified motor vehicle registered in this
29 Commonwealth that travels in any IFTA jurisdiction requiring
30 the payment of motor carrier road tax or its equivalent may

1 be licensed as an IFTA vehicle by the Commonwealth in
2 accordance with IFTA licensing provisions. Any vehicle
3 holding or displaying IFTA credentials must file IFTA reports
4 and corresponding payments to a base jurisdiction, even if
5 the vehicle is exempt from motor carrier road taxes in this
6 Commonwealth.

7 (2) A vehicle obtaining trip permits under section
8 2102(d)(3) (relating to identification markers and license or
9 road tax registration card required) for each trip within
10 this Commonwealth is exempt from IFTA licensing and reporting
11 for the permitted trips.

12 [(b)] (g) Regulations.--The Department of Revenue may
13 promulgate regulations to implement this section.

14 Section 4. Title 75 is amended by adding sections to read:
15 § 2106. Uncollectible payments.

16 If the payment of a tax, penalty or interest imposed by this
17 chapter is returned to the department as uncollectible, the
18 department shall follow section 3003.9 of the act of March 4,
19 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

20 § 2107. Emergency proclamations.

21 (a) Emergencies declared within this Commonwealth.--Upon the
22 Governor's declaration of a state of emergency for this
23 Commonwealth, the Secretary of Revenue may waive, suspend or
24 otherwise modify any provisions of this chapter for the purpose
25 of enabling motor carriers to respond to emergency conditions
26 and to conduct timely emergency relief efforts. The waivers,
27 suspensions or modifications shall be effective for a specific
28 period of time as determined by the Secretary of Revenue and
29 shall not exceed the termination of the state of emergency
30 declared by the Governor.

1 (b) Emergencies declared outside this Commonwealth.--The
2 Secretary of Revenue, with prior authorization from the
3 Governor, may waive, suspend or otherwise modify any provisions
4 of this chapter on a temporary and indefinite basis to
5 facilitate the timely movement of vehicles or fuel from and
6 through this Commonwealth to other jurisdictions requesting
7 assistance from the Commonwealth.

8 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
9 each distributor, exempt entity or other person who buys, sells
10 or uses liquid fuels, fuels or alternative fuels under the terms
11 of an emergency declaration must maintain records to
12 substantiate participation in emergency relief efforts. Motor
13 carriers shall maintain records substantiating the purchase and
14 use of tax-free fuels in this Commonwealth during the period of
15 the declared emergency.

16 (d) Taxes not waived.--Unless specifically suspended by the
17 Secretary of Revenue, liquid fuels, fuels and alternative fuels
18 taxes are not waived for emergencies determined under subsection
19 (a) or (b).

20 Section 5. Chapter 90 heading of Title 75 is amended to
21 read:

22 CHAPTER 90

23 LIQUID FUELS [AND] FUELS TAX

24 AND ELECTRIC VEHICLE ROAD FEE

25 Section 6. Chapter 90 of Title 75 is amended by adding a
26 subchapter heading to read:

27 SUBCHAPTER A

28 PRELIMINARY PROVISIONS

29 Section 7. Section 9002 of Title 75 is amended to read:
30 § 9002. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Alternative fuels." Natural gas, compressed natural gas
5 (CNG), liquified natural gas (LNG), liquid propane gas and
6 liquified petroleum gas (LPG), alcohols, E85 gasoline-alcohol
7 mixtures containing [at least] greater than 85% alcohol by
8 volume, hydrogen, hythane [, electricity] and any other fuel
9 used to propel motor vehicles on the public highways which is
10 not taxable as fuels or liquid fuels under this chapter. The
11 foregoing liquids or gases that will not be used to propel a
12 motor vehicle on the public highways and are not taxable as
13 fuels or liquid fuels under this chapter may not be considered
14 motor fuels for purposes of this chapter. The term does not
15 include electricity.

16 ["Alternative fuel dealer-user." Any person who delivers or
17 places alternative fuels into the fuel supply tank or other
18 device of a vehicle for use on the public highways.]

19 "Association." A partnership, limited partnership or any
20 other form of unincorporated enterprise owned by two or more
21 persons.

22 "Average annual vehicle fuel tax." The average annual amount
23 of motor fuel taxes paid by a Pennsylvania-registered vehicle.

24 "Average wholesale price." The average wholesale price per
25 gallon of all taxable liquid fuels and fuels, excluding the
26 Federal excise tax and all liquid fuels taxes, as determined by
27 the Department of Revenue for the 12-month period ending on the
28 September 30 immediately prior to January 1 of the year for
29 which the rate is to be set. In no case shall the average
30 wholesale price be less than 90¢ nor more than \$1.25 per gallon.

1 "Blended fuel." A mixture composed of motor fuels and
2 another liquid, other than an additive, that may be used as a
3 motor fuel in a highway vehicle.

4 "Blender." A person who produces blended fuel outside the
5 terminal transfer system.

6 "Blender permit." A class of distributor permit authorizing
7 the use of motor fuels upon which the tax has not been paid for
8 blending.

9 "CAFE standards." The corporate average fuel economy, as
10 established by the Federal Government.

11 "Cents-per-gallon equivalent basis." The average wholesale
12 price per gallon multiplied by the decimal equivalent of any tax
13 imposed by section 9502 (relating to imposition of tax), the
14 product of which is rounded to the next highest tenth of a cent
15 per gallon. The rate of tax shall be determined by the
16 Department of Revenue on an annual basis beginning every January
17 1 and shall be published as a notice in the Pennsylvania
18 Bulletin no later than the preceding December 15. In the event
19 of a change in the rate of tax imposed by section 9502, the
20 department shall redetermine the rate of tax as of the effective
21 date of such change and give notice as soon as possible.

22 "Corporation." A corporation or joint stock association
23 organized under the laws of this Commonwealth, the United States
24 or any other state, territory or foreign country or dependency.

25 "Dealer." Any person engaged in the retail sale of [liquid
26 fuels or fuels] motor fuels.

27 "Department." The Department of Revenue of the Commonwealth.

28 "Diesel fuel." Any liquid, other than liquid fuels, which is
29 suitable for use as a fuel in a diesel-powered highway vehicle.
30 The term includes kerosene and biodiesel.

1 "Distributor." Any person that:

2 (1) Produces, refines, prepares, blends, distills,
3 manufactures or compounds [liquid fuels or fuels] motor fuels
4 in this Commonwealth for the person's use or for sale and
5 delivery in this Commonwealth.

6 (2) Imports or causes to be imported from any other
7 state or territory of the United States or from a foreign
8 country [liquid fuels or fuels] motor fuels for the person's
9 use in this Commonwealth or for sale and delivery in and
10 after reaching this Commonwealth, other than in the original
11 package, receptacle or container.

12 (3) Imports or causes to be imported from any other
13 state or territory of the United States [liquid fuels or
14 fuels] motor fuels for the person's use in this Commonwealth
15 or for sale and delivery in this Commonwealth after they have
16 come to rest or storage in the other state or territory,
17 whether or not in the original package, receptacle or
18 container.

19 (4) Purchases or receives [liquid fuels or fuels] motor
20 fuels in the original package, receptacle or container in
21 this Commonwealth for the person's use or for sale and
22 delivery in this Commonwealth from any person who has
23 imported them from a foreign country.

24 (5) Purchases or receives [liquid fuels or fuels] motor
25 fuels in the original package, receptacle or container in
26 this Commonwealth for the person's use in this Commonwealth
27 or for sale and delivery in this Commonwealth from any person
28 who has imported them from any other state or territory of
29 the United States if the [liquid fuels or fuels] motor fuels
30 have not, prior to purchase or receipt, come to rest or

1 storage in this Commonwealth.

2 (6) Receives and uses or distributes [liquid fuels or
3 fuels] motor fuels in this Commonwealth on which the tax
4 provided for in this chapter has not been previously paid.

5 (7) Owns or operates aircraft, aircraft engines or
6 facilities for delivery of [liquid fuels] motor fuels to
7 aircraft or aircraft engines and elects, with the permission
8 of the Secretary of Revenue, to qualify and obtain a permit
9 as a distributor.

10 (8) Exports [liquid fuels or fuels] motor fuels other
11 than in the fuel supply tanks of motor vehicles.

12 "Dyed diesel fuel." Any liquid, other than liquid fuels,
13 which is suitable for use as a fuel in a diesel-powered highway
14 vehicle and which is dyed pursuant to Federal regulations issued
15 under section 4082 of the Internal Revenue Code of 1986 (Public
16 Law 99-514, 26 U.S.C. § 4082) or which is a dyed fuel for
17 purposes of section 6715 of the Internal Revenue Code of 1986
18 (26 U.S.C. § 6715).

19 "E85." Fuel ethanol conforming to ASTM D5798-11 standards,
20 as amended, or successor standards.

21 "Electric vehicle." The term includes electric vehicles and
22 hybrid electric vehicles.

23 "Electric vehicle road fee." The annual fee imposed under
24 Subchapter C (relating to electric vehicle road fee), in place
25 of a motor fuel tax assessed upon electricity used in highway
26 vehicles.

27 "Exempt entity." A person exempt under section 9004(e)
28 (relating to imposition of tax, exemptions and deductions) from
29 reporting and paying a motor fuels tax.

30 "Export." Accountable liquid fuels or fuels delivered out of

1 State by or for the seller constitutes an export by the seller.
2 Accountable liquid fuels or fuels delivered out of State by or
3 for the purchaser constitutes an export by the purchaser.

4 "Fuels." Includes diesel fuel and all combustible gases and
5 liquids used for the generation of power in aircraft or aircraft
6 engines or used in an internal combustion engine for the
7 generation of power to propel vehicles on the public highways.
8 The term does not include liquid fuels or dyed diesel fuel.

9 "Gallon equivalent basis." The amount of any alternative
10 fuel as determined by the department to [contain 114,500 BTU's]
11 equal the energy content of one gallon of liquid fuels or fuels.
12 The rate of tax on the amount of each alternative fuel as
13 determined by the department under the previous sentence shall
14 be the current liquid fuels tax and oil company franchise tax
15 applicable to one gallon of gasoline.

16 "Gasoline gallon equivalent" or "GGE." The amount of
17 alternative fuel it takes to equal the energy content of one
18 gallon of gasoline.

19 "Highway." Every way or place open to the use of the public,
20 as a matter of right, for purposes of vehicular travel.

21 "Import." Accountable [liquid] motor fuels or fuels
22 delivered into this Commonwealth from out of State by or for the
23 seller constitutes an import by the seller. Accountable [liquid]
24 motor fuels or fuels delivered into this Commonwealth from out
25 of State by or for the purchaser constitutes an import by the
26 purchaser.

27 "Liquid fuels." All products derived from petroleum, natural
28 gas, coal, coal tar, vegetable ferments and other oils. The term
29 includes gasoline, naphtha, benzol, benzine or alcohols, either
30 alone or when blended or compounded, which are practically and

1 commercially suitable for use in internal combustion engines for
2 the generation of power or which are prepared, advertised,
3 offered for sale or sold for use for that purpose. The term does
4 not include kerosene, fuel oil, gas oil, E85, gasoline-alcohol
5 mixtures other than E85 containing greater than 85% alcohol by
6 volume, diesel fuel, tractor fuel by whatever trade name or
7 technical name known having an initial boiling point of not less
8 than 200 degrees fahrenheit and of which not more than 95% has
9 been recovered at 464 degrees fahrenheit (ASTM method D-86),
10 liquified gases which would not exist as liquids at a
11 temperature of 60 degrees fahrenheit and pressure of 14.7 pounds
12 per square inch absolute or naphthas and benzols and solvents
13 sold for use for industrial purposes.

14 "Magistrate." An officer of the minor judiciary. The term
15 includes a magisterial district judge.

16 "Major vehicle class." The term includes passenger vehicles,
17 light duty trucks and any other class as defined by the CAFE
18 standards.

19 "Mass transportation systems." Persons subject to the
20 jurisdiction of the Pennsylvania Public Utility Commission and
21 municipality authorities that transport persons on schedule over
22 fixed routes and derive 90% of their intrastate scheduled
23 revenue from scheduled operations within the county in which
24 they have their principal place of business or with contiguous
25 counties.

26 "Motor fuels." Includes liquid fuels, fuels, alternative
27 fuels, aviation gasoline and jet fuels.

28 "Motor fuels tax." Any of the following taxes imposed under
29 section 9004 (relating to imposition of tax, exemptions and
30 deductions):

- 1 (1) The liquid fuels tax.
- 2 (2) The oil company franchise tax.
- 3 (3) The aviation gasoline and jet fuel taxes.
- 4 (4) The alternative fuels tax.

5 "Motor fuels tax exemption certificate." A certificate
6 issued by the Department of Revenue to a person requesting
7 exemption from motor fuels taxes according to the exemption
8 provisions under section 9004(e) (relating to imposition of tax,
9 exemptions and deductions).

10 "Nonhighway applications." The use of fuels or alternative
11 fuels for purposes not related to propulsion of a vehicle on the
12 public highways of this Commonwealth.

13 "Nonpublic schools not operated for profit." A school, other
14 than a public school, within this Commonwealth wherein a
15 resident of this Commonwealth may legally fulfill the compulsory
16 school attendance requirements of the laws of this Commonwealth,
17 and in the operation of which there is no contribution of
18 pecuniary gain or profit, no dividends or distribution or income
19 to its owners, officers or directors and no incidental profits
20 are distributed to its owner. The term does not include
21 institutions of higher learning.

22 "Permit." A liquid fuels permit [or a], fuels permit or
23 alternative fuels permit. The term includes a blender permit.

24 "Person." [Every natural person, association or
25 corporation.] Any individual, firm, cooperative, association,
26 corporation, limited liability corporation, trust, business
27 trust, syndicate, partnership, limited liability partnership,
28 joint venture, receiver, trustee in bankruptcy, club society or
29 other group or combination acting as a unit. The term includes a
30 public body, including, but not limited to, the Commonwealth,

1 any other state, an agency, commission, institution, political
2 subdivision or instrumentality of the Commonwealth or any other
3 state. Whenever used in any provision prescribing and imposing a
4 fine or imprisonment, the term as applied to associations means
5 the partners or members and as applied to corporations means the
6 officers thereof.

7 "Political subdivision." A county, city, borough,
8 incorporated town, township, school district, vocational school
9 district or county institution district. For exemption purposes,
10 the term includes:

11 (1) Authorities formed under enabling legislation.

12 (2) Instrumentalities or agencies of the Commonwealth,
13 unless otherwise provided.

14 "Registered distributor." A distributor holding a permit
15 issued by the Commonwealth under the provisions of this chapter.

16 "Sale" and "sale and delivery." Includes the invoicing or
17 billing of [liquid fuels or fuels] motor fuels free of tax as
18 provided in section 9005 (relating to taxpayer) from one
19 distributor to another regardless of whether the purchasing
20 distributor is an accommodation party for purposes of taking
21 title or takes actual physical possession of the [liquid fuels
22 or fuels] motor fuels.

23 "Secretary." The Secretary of Revenue of the Commonwealth.

24 "Terminal transfer system." The motor fuels distribution
25 system consisting of refineries, pipelines, marine vessels and
26 terminals.

27 "Use." Includes any of the following:

28 (1) The importation into this Commonwealth of motor
29 fuels for the supply tanks or other fueling receptacles or
30 devices of a motor vehicle in excess of 50 gallons.

1 § 9003. Liquid fuels and fuels permits; bond or deposit of
2 securities.

3 (a) Permit required; violation.--A distributor may not
4 engage in the use or sale and delivery of liquid fuels within
5 this Commonwealth without a liquid fuels permit [or], engage in
6 the use or sale and delivery of fuels within this Commonwealth
7 without a fuels permit or engage in the use or sale and delivery
8 of alternative fuels within this Commonwealth without an
9 alternative fuels permit. Each day in which a distributor
10 engages in the use or sale and delivery of liquid fuels within
11 this Commonwealth without a liquid fuels permit [or], fuels
12 without a fuels permit or alternative fuels without an
13 alternative fuels permit shall constitute a separate offense.
14 For each such offense, the distributor commits a misdemeanor of
15 the third degree.

16 (a.1) Special permit for blenders.--Distributors who
17 purchase any liquid fuels, fuels or alternative fuels subject to
18 tax under this chapter for use in the blending of liquid fuels
19 or alternative fuels shall obtain a blender permit from the
20 department. A distributor holding a blender's permit may
21 purchase motor fuels tax free from other distributors holding a
22 permit when the motor fuels are purchased for use exclusively in
23 blending. Blenders shall account separately for all purchases of
24 motor fuels used in blending. The department may prescribe the
25 form of such necessary information.

26 (a.2) Prohibitions.--The following shall apply:

27 (1) A suspended, revoked or canceled permit is not a
28 valid permit and may not be used to make tax-free sales,
29 deliveries or purchases of motor vehicles specifically listed
30 on the permit.

1 (2) An exempt entity may not apply for a motor fuels
2 permit and may not resell motor fuels.

3 (b) Application.--A person desiring to operate as a
4 distributor shall file an application for [a liquid fuels permit
5 or a fuels permit, or both,] an alternative fuels permit, a
6 liquid fuels permit or a fuels permit with the department. A
7 distributor may apply for more than one class of permit. The
8 application for a permit must be made upon a form prescribed by
9 the department and must set forth the name under which the
10 applicant transacts or intends to transact business, the
11 location of the place of business within this Commonwealth and
12 such other information as the department may require. The
13 department may, by written notice, require any applicant to
14 furnish a financial statement in such form as it may prescribe.
15 The department may charge an administrative application fee for
16 each permit. If the applicant has or intends to have more than
17 one place of business within this Commonwealth, the application
18 shall state the location of each place of business. If the
19 applicant is an association, the application shall set forth the
20 names and addresses of the persons constituting the association.
21 If the applicant is a corporation, the application shall set
22 forth the names and addresses of the principal officers of the
23 corporation and any other information prescribed by the
24 department for purposes of identification. The application shall
25 be signed and verified by oath or affirmation by:

26 (1) the owner, if the applicant is an individual;

27 (2) a member or partner, if the applicant is an
28 association; or

29 (3) an officer or an individual authorized in a writing
30 attached to the application, if the applicant is a

1 corporation.

2 * * *

3 (c.1) Permit class.--The department may establish classes of
4 distributors. Each class may have special bonding requirements.

5 (d) Surety bond.--A permit shall not be granted until the
6 applicant has filed with the department a surety bond payable to
7 the Commonwealth in an amount fixed by the department of at
8 least \$2,500. Every bond must have as surety an authorized
9 surety company approved by the department. The bond must state
10 that the distributor will faithfully comply with the provisions
11 of this chapter during the effective period of his permit. The
12 department may require any distributor to furnish such
13 additional, acceptable corporate surety bond as necessary to
14 secure at all times the payment to the Commonwealth of all
15 taxes, penalties and interest due under the provisions of this
16 chapter and section 9502 (relating to imposition of tax). The
17 department may set a distributor's bond amount in a manner
18 sufficient to protect the revenues of the Commonwealth. If a
19 distributor fails to file the additional bond within ten days
20 after written notice from the department, the department may
21 suspend or revoke the permit and collect all taxes, penalties
22 and interest due. For the purpose of determining whether an
23 existing bond is sufficient, the department may by written
24 notice require a distributor to furnish a financial statement in
25 such form as it may prescribe. Upon failure of any distributor
26 to furnish a financial statement within 30 days of written
27 notice, the department may suspend or revoke the permit and
28 shall collect all taxes, penalties and interest due by him.

29 * * *

30 (g) Interstate or foreign commerce.--Nothing contained in

1 this chapter shall require the filing of any application or bond
2 or the possession and display of a [liquid] motor fuels permit
3 for the use or sale and delivery of [liquid] motor fuels in
4 interstate or foreign commerce not within the taxing power of
5 the Commonwealth or for the use of liquid fuels by the Federal
6 Government.

7 * * *

8 (j) Tax compliance.--No distributor may be issued a motor
9 fuels permit under this chapter unless the distributor is in
10 full compliance with all other State taxes administered by the
11 department.

12 § 9004. Imposition of tax, exemptions and deductions.

13 (a) Liquid fuels and fuels tax.--A permanent State tax of
14 12¢ a gallon or fractional part thereof is imposed and assessed
15 upon all [liquid fuels and] motor fuels used or sold and
16 delivered by distributors within this Commonwealth.

17 (b) Oil company franchise tax for highway maintenance and
18 construction.--In addition to the tax imposed by subsection (a),
19 the tax imposed by Chapter 95 (relating to taxes for highway
20 maintenance and construction) shall also be imposed and
21 collected on [liquid fuels and] motor fuels, on a cents-per-
22 gallon equivalent basis, upon all gallons of [liquid fuels and]
23 motor fuels as are taxable under subsection (a).

24 * * *

25 (d) Alternative fuels tax.--

26 (1) A tax is hereby imposed upon alternative fuels used
27 to propel vehicles of any kind or character on the public
28 highways. The rate of tax applicable to each alternative fuel
29 shall be computed by the department on a gallon equivalent
30 basis and shall be published as necessary by notice in the

1 Pennsylvania Bulletin. The tax imposed shall apply to the
2 entire amount of fuel used or sold and delivered. The
3 department shall state separately both the liquid fuels tax
4 and the oil company franchise tax applicable to each
5 alternative fuel.

6 (2) The tax imposed in this section upon alternative
7 fuels shall be reported and paid to the department by each
8 alternative fuel [dealer-user rather than by distributors
9 under this chapter similar to the manner in which
10 distributors are required to report and pay the tax on liquid
11 fuels and fuels, and the licensing and bonding provisions of
12 this chapter shall be applicable to alternative fuel dealer-
13 users. The department may permit alternative fuel dealer-
14 users to report the tax due for reporting periods greater
15 than one month up to an annual basis provided the tax is
16 prepaid on the estimated amount of alternative fuel to be
17 used in such extended period. The bonding requirements may be
18 waived by the department where the tax has been prepaid.]
19 distributor holding a permit when:

20 (i) sold to a person for the person's use in the
21 propulsion of a motor vehicle on the public highways of
22 this Commonwealth; or

23 (ii) a person uses alternative fuels subject to tax
24 under paragraph (1) for which the alternative fuels tax
25 has never been paid.

26 (3) The following shall apply to the reporting and
27 payment of the alternative fuels tax by a distributor:

28 (i) Only distributors holding an alternative fuels
29 distributor permit issued by the department may report
30 and pay the alternative fuels tax to the Commonwealth.

1 (ii) Alternative fuels tax must be reported and paid
2 to the department in the same fashion as required for
3 liquid fuels and fuels. The tax imposed under paragraph
4 (2) shall be collected by the distributor and shall be
5 borne by the consumer.

6 (iii) The department may permit alternative fuels
7 distributors to report the tax due for reporting periods
8 on an annual basis provided the tax is prepaid on the
9 estimated amount of alternative fuels to be used in such
10 extended period. The bonding requirements may be waived
11 by the department where the tax has been prepaid.

12 (4) A purchaser of alternative fuels who has paid the
13 alternative fuels tax may request a refund of the tax, if
14 eligible, in accordance with the refund qualifications for
15 liquid fuels and fuels under section 9017 (relating to
16 refunds).

17 (5) An exempt entity who uses alternative fuels in
18 accordance with subsections (e.1) and (l) may apply for
19 refunds of alternative fuels tax paid on the alternative
20 fuels.

21 (6) Alternative fuels distributors shall follow all
22 provisions of this chapter applying to liquid fuels and fuels
23 distributors, except when such provisions are in conflict or
24 otherwise inconsistent with the specific alternative fuels
25 distributor provisions of this subsection, in which case the
26 provisions of this subsection shall control.

27 (e) Exceptions.--The tax imposed under subsections (a), (b),
28 (c) and (d) shall not apply to liquid fuels, fuels or
29 alternative fuels:

30 (1) Delivered to the Federal Government on presentation

1 of an authorized Federal Government exemption certificate or
2 other evidence satisfactory to the department.

3 (2) Used or sold and delivered which are not within the
4 taxing power of the Commonwealth under the Commerce Clause of
5 the Constitution of the United States.

6 (3) Used as fuel in aircraft or aircraft engines, except
7 for the tax imposed under subsection (c).

8 (4) Delivered to this Commonwealth, a political
9 subdivision, a volunteer fire company, a volunteer ambulance
10 service, a volunteer rescue squad, a second class county port
11 authority or a nonpublic school not operated for profit on
12 presentation of evidence satisfactory to the department.

13 (5) Used in school buses for the exclusive purpose of
14 transporting students in grades K through 12 for official
15 school purposes, subject to all of the following:

16 (i) School districts are exempt from the tax on
17 motor fuels, but may not assign that exemption to a
18 school bus contractor.

19 (ii) A school district may apply to the Board of
20 Finance and Revenue for refunds of taxes paid by the
21 school district's school bus contractors who purchased
22 tax-paid motor fuels for use in transporting students for
23 official school purposes.

24 (iii) School bus contractors may fuel from a school
25 district's tax-free bulk storage for the sole purpose of
26 transporting students under a contract.

27 (6) Sold to a volunteer service, provided that the
28 volunteer service complies with the following:

29 (i) The motor fuels shall be purchased from a
30 registered distributor, and the motor fuels shall be

1 placed in bulk storage facilities on land owned or
2 leased, with full control thereover, by the volunteer
3 service. The purchaser shall furnish a motor fuels tax
4 exemption certificate issued by the department to the
5 registered distributor certifying that it is a volunteer
6 service and the fuel will be used solely for
7 firefighting, emergency medical or rescue purposes and
8 only in official equipment owned by the the volunteer
9 service.

10 (ii) If a volunteer service purchases motor fuels
11 from a dealer or a nonregistered Commonwealth distributor
12 and pays the full price for the fuels, including the tax,
13 and if the volunteer service uses the motor fuels solely
14 for firefighting, emergency medical or rescue purposes
15 and only in equipment purchased by it, the volunteer
16 service may request a refund of the tax paid by applying
17 to the Board of Finance and Revenue on forms supplied by
18 the Board of Finance and Revenue.

19 (e.1) Use of motor fuels by exempt entities.--The following
20 shall apply:

21 (1) An exempt entity may only use motor fuels for its
22 official business purposes. The exempt entity shall keep
23 records of purchases and disbursements of motor vehicles
24 sufficient to prove the official business use of the motor
25 fuels. Such recordkeeping should be similar to the
26 requirements for distributor and dealer recordkeeping under
27 section 9009 (relating to retention of records by
28 distributors and dealers).

29 (2) An exempt entity may not resell motor fuels.

30 (3) An exempt entity that violates paragraph (1) or (2)

1 commits a summary offense and may be assessed tax, interest
2 and penalties due on any motor fuels improperly used or
3 resold.

4 * * *

5 (g) Distributors to pay tax.--[Distributors] Motor fuels
6 distributors shall be liable to the Commonwealth for the
7 collection and payment of the tax imposed by this chapter. The
8 tax imposed by this chapter shall be collected by the
9 distributor at the time the [liquid fuels and] motor fuels are
10 used or sold and delivered by the distributor and shall be borne
11 by the consumer.

12 (h) Losses to be allowed.--The department shall allow for
13 handling and storage losses of [liquid fuels and] motor fuels
14 that are substantiated to the satisfaction of the department.

15 (i) Liability for use of dyed diesel fuel or other liquids
16 not subject to motor fuels taxes.--The following shall apply to
17 liability for the tax provided under subsections (a) and (b):

18 (1) The tax imposed under section 9004(a) and (b)
19 (relating to imposition of tax, exemptions and deductions) is
20 imposed on the delivery or placing of dyed diesel fuel or any
21 liquid not otherwise subject to tax into the fuel supply
22 tanks or other fueling receptacles or devices of a motor
23 vehicle in this Commonwealth for use, in whole or in part,
24 for the generation of power to propel the motor vehicle on
25 the public highways of this Commonwealth.

26 (2) The following shall apply to parties liable under
27 this subsection:

28 (i) The person who causes to be operated or the
29 operator of a highway vehicle into which the dyed diesel
30 fuel or the other liquid is delivered shall be liable for

1 the tax imposed under paragraph (1).

2 (ii) The seller of the dyed diesel fuel or other
3 liquid is jointly and severally liable for the tax under
4 paragraph (1) if the seller knows or has reason to know
5 that the dyed diesel fuel or other liquid will not be
6 used in a nontaxable use.

7 (3) The exemptions provided under subsection (e) shall
8 apply to the tax imposed by this subsection.

9 (j) Blending not subject to tax.--A distributor holding a
10 blending permit who blends motor fuels shall be exempt from the
11 payment of the tax which would otherwise be imposed upon any
12 motor fuels purchased from registered distributors and used
13 exclusively for blending. The department shall establish
14 necessary recordkeeping standards for blenders.

15 (k) Sales without permits.--Sales of motor fuels between a
16 registered distributor and any person not holding a permit of
17 the proper class shall always be subject to tax, unless the
18 sales are entitled to an exemption expressly provided for under
19 this chapter.

20 (l) Exemption certificates.--An exempt entity must provide a
21 motor fuels tax exemption certificate prescribed by the
22 department to the registered distributor from whom the exempt
23 entity plans to purchase tax-free motor fuels.

24 (m) Nonpermitted persons acting as permitted distributors.--
25 The following shall apply:

26 (1) Any person not holding a liquid fuels, fuels or
27 alternative fuels permit who engages in the use or sale and
28 delivery of liquid fuels, fuel or alternative fuels upon
29 which the tax imposed under this chapter has not been
30 previously paid shall be subject to all recordkeeping,

1 reporting and payment provisions provided for permitted
2 distributors.

3 (2) A person who does not hold the proper class of
4 permit to engage in the tax-free use or sale and delivery of
5 motor fuels with another distributor holding the proper class
6 of permit shall pay a sum equivalent to 20% of the motor
7 fuels tax that would otherwise be due. This penalty shall be
8 in addition to any other applicable tax, interest or penalty
9 provided for under this chapter. A properly permitted
10 distributor who knowingly engages in the tax-free use or sale
11 and delivery of motor fuels with an improperly permitted
12 distributor shall also pay a sum equivalent to 20% of the
13 motor fuels tax that would otherwise be due. This penalty
14 shall be in addition to any other applicable tax, interest or
15 penalty provided for under this chapter. The penalties
16 imposed by this subsection shall not be considered part of a
17 tax assessment.

18 (3) A nonpermitted distributor shall not be eligible for
19 any of the discounts provided under section 9006(b) (relating
20 to distributor's report and payment of tax).

21 Section 10. Section 9005 of Title 75 is amended to read:

22 § 9005. Taxpayer.

23 (a) Duty of distributor.--Every distributor using or
24 delivering [liquid fuels and] motor fuels upon which a tax is
25 imposed by this chapter shall pay the tax into the State
26 Treasury through the department.

27 (b) Delivery between distributors.--

28 (1) Whenever [liquid fuels and] motor fuels are
29 delivered within this Commonwealth by one distributor to
30 another distributor holding a permit under this chapter, the

1 distributor receiving the [liquid fuels and] motor fuels
2 shall separately show, in that distributor's monthly reports
3 to the department, all such deliveries from each distributor
4 and shall pay the liquid fuels and fuels tax provided for by
5 this chapter upon all such [liquid fuels and] motor fuels
6 used or sold and delivered within this Commonwealth.

7 (2) The distributor making deliveries under paragraph
8 (1) shall separately show those deliveries in that
9 distributor's monthly reports to the department and shall
10 then be exempt from the payment of the tax which would
11 otherwise be imposed upon the [liquid fuels and] motor fuels
12 so delivered. This exemption shall apply only if both
13 distributors under paragraph (1) hold valid permits of a
14 class authorizing tax-free use or sale and delivery of the
15 same specific motor fuels.

16 (3) The distributor shall furnish to the department such
17 information concerning such deliveries as the department may
18 require.

19 (4) The department shall furnish to any distributor,
20 upon request, a list of distributors holding permits under
21 this chapter and their addresses.

22 (5) A distributor holding a permit is the only person
23 entitled to sell motor fuels tax free to another distributor
24 holding a permit or to an exempt entity.

25 (6) Both the seller and the buyer of any motor fuels
26 sold upon which motor fuels tax is imposed but not reported
27 and paid to the Commonwealth shall be jointly and severally
28 liable for the payment of tax due if either distributor does
29 not hold a valid permit of the class necessary to make a tax-
30 free sale under paragraphs (1) and (2).

1 (c) Recovery of tax payment.--Distributors may add the
2 amount of the tax to the price of [liquid fuels and] motor fuels
3 sold by them and shall state the rate of the tax separately from
4 the price of the [liquid fuels and] motor fuels on all price
5 display signs, sales or delivery slips, bills and statements
6 which advertise or indicate the price of [liquid fuels and]
7 motor fuels.

8 (d) Penalty.--A person who violates this section commits a
9 summary offense.

10 Section 11. Section 9006(a) and (d) of Title 75 are amended
11 and the section is amended by adding a subsection to read:
12 § 9006. Distributor's report and payment of tax.

13 (a) Monthly report.--For the purpose of ascertaining the
14 amount of tax payable under this chapter, the distributor, on or
15 before the 20th day of each month, shall transmit to the
16 department on a form prescribed by the department a report,
17 under oath or affirmation, of the [liquid fuels and] motor fuels
18 used or delivered by that distributor within this Commonwealth
19 during the preceding month. The report shall show the number of
20 gallons or GGEs of [liquid fuels and] motor fuels used or
21 delivered within this Commonwealth during the period for which
22 that report is made and any further information that the
23 department prescribes. A distributor having more than one place
24 of business within this Commonwealth shall combine in each
25 report the use or delivery of [liquid fuels and] motor fuels at
26 all such separate places of business.

27 * * *

28 (d) Additional penalty.--If a distributor neglects or
29 refuses to make any report [and] or payment as required, an
30 additional 10% of the amount of the tax due or \$50, whichever is

1 greater, shall be added by the department and collected as
2 provided. In addition to the added penalty, the permit of the
3 distributor may be suspended or revoked by the department.

4 (e) Method of filing and timeliness.--The following shall
5 apply:

6 (1) Unless specifically otherwise provided for by law,
7 all reports, payments and petitions must be filed
8 electronically with the department. Upon receipt of an
9 electronic filing by the department, the filing is deemed to
10 have occurred on the specific date and time indicated by the
11 computers or systems of the department.

12 (2) The following exceptions shall apply:

13 (i) Electronic payment is not required for any
14 payment amount less than \$1,000.

15 (ii) A distributor may be excused from electronic
16 filing that is otherwise required by law upon
17 presentation to the department of evidence of hardship in
18 filing electronically. The evidence must be provided to
19 and accepted by the department prior to the due date for
20 the report, payment or petition.

21 (iii) Electronic filing may not be accepted by the
22 department for certain required filings under this
23 chapter where the department does not have the technical
24 capability to process such an electronic filing.

25 (3) Whenever a report, payment or petition is required
26 by law to be filed with the department by the United States
27 Postal Service, the following apply:

28 (i) If the report, payment or petition must be
29 received by the department on or before a day certain,
30 the taxpayer shall be deemed to have complied with the

1 law if the correctly addressed envelope transmitting the
2 report, payment or petition received by the department is
3 postmarked by United States Postal Service on or prior to
4 the final day on which the report, payment or petition is
5 required to be received.

6 (ii) For purposes of this paragraph, presentation of
7 a receipt from United States Postal Service indicating
8 that the correctly addressed envelope transmitting the
9 report, payment or petition received by the department
10 was mailed on or before the due date shall be evidence of
11 timely filing and payment.

12 (iii) This paragraph shall not apply to any report,
13 payment or petition that is required by law to be
14 delivered by any method other than mailing.

15 (4) To be considered timely, both a report and any
16 payment due, if applicable, including any interest or
17 penalty, must be filed before the due date.

18 Section 12. Sections 9007, 9008 and 9009 of Title 75 are
19 amended to read:

20 § 9007. [Determination and redetermination] Assessment and
21 reassessment of tax, penalties and interest due.

22 (a) [Determination] Assessment.--If the department is not
23 satisfied with the report and payment of tax made by any
24 distributor under the provisions of this chapter, it is
25 authorized to make [a determination] an assessment of the tax
26 due by the distributor based upon the facts contained in the
27 report or upon any information within its possession.

28 (b) Notice.--Promptly after the date of [determination]
29 assessment, the department shall send by registered mail a copy
30 to the distributor. Within 90 days after the date upon which the

1 copy of the [determination] assessment was mailed, the
2 distributor may file with the department a petition for
3 [redetermination] reassessment of such tax. A petition for
4 [redetermination] reassessment must state specifically the
5 reasons which the petitioner believes allow the
6 [redetermination] reassessment and must be supported by
7 affidavit that it is not made for the purpose of delay and that
8 the facts set forth are true. The department shall, within six
9 months after the date of [a determination] an assessment,
10 dispose of a petition for [redetermination] reassessment. Notice
11 of the action taken upon any petition for [redetermination]
12 reassessment shall be given to the petitioner promptly after the
13 date of [redetermination] reassessment by the department.

14 (c) Administrative appeal.--[Within 60 days after the date
15 of mailing of notice by the department of the action taken on
16 any petition for redetermination filed with it, the distributor
17 against whom the determination was made may by petition request
18 the Board of Finance and Revenue to review the action. A
19 petition for review must state specifically the reason upon
20 which the petitioner relies or must incorporate by reference the
21 petition for redetermination in which the reasons have been
22 stated. The petition must be supported by affidavit that it is
23 not made for the purpose of delay and that the facts set forth
24 are true. If the petitioner is a corporation or association, the
25 affidavit must be made by one of its principal officers. A
26 petition for review may be amended by the petitioner at any time
27 prior to the hearing. The board shall act finally in disposition
28 of petitions filed with it within six months after they have
29 been received. In the event of the failure to dispose of a
30 petition within six months, the action taken by the department

1 upon the petition for redetermination shall be deemed sustained.
2 The board may sustain the action taken on the petition for
3 redetermination or it may redetermine the tax due upon such
4 basis as it deems according to law and equity. Notice of the
5 action of the board shall be given to the department and to the
6 petitioner.] A person dissatisfied with the decision of the
7 department under subsection (b) shall have the right to petition
8 for review by the Board of Finance and Revenue in accordance
9 with Article XXVII of the act of March 4, 1971 (P.L.6, No.2),
10 known as the Tax Reform Code of 1971.

11 (d) Sanctions.--If a distributor neglects or refuses to make
12 a report [and] or payment of tax required by this chapter, the
13 department shall estimate the tax due by such distributor and
14 [determine] assess the amount due for taxes, penalties and
15 interest. There shall be no right of review or appeal from this
16 [determination] assessment. Upon neglect or refusal, permits
17 issued to the distributor may be suspended or revoked by the
18 department and required to be surrendered to the department.
19 § 9008. Examination of records and equipment.

20 (a) General rule.--The department or any agent appointed in
21 writing by the department is authorized to examine the books,
22 papers, records, meters, storage tanks and contents, and any
23 other equipment of any distributor, dealer or any other person
24 pertaining to the use or sale and delivery of liquid fuels and
25 fuels taxable under this chapter to verify the accuracy of any
26 report or payment made under the provisions of this chapter or
27 to ascertain whether or not the tax imposed by this chapter has
28 been paid. Any information gained by the department as the
29 result of the reports, investigations or verifications required
30 to be made shall be confidential.

1 (b) Penalty.--A person divulging confidential information
2 under subsection (a) commits a misdemeanor of the third degree.

3 (c) Consumer protection.--Notwithstanding subsection (a) or
4 (b) or section 731 of the act of April 9, 1929 (P.L.343,
5 No.176), known as The Fiscal Code, any incorrect motor fuel
6 composition information, including octane values, discovered by
7 the department upon examination of storage tank contents or
8 related records may be disclosed to the Attorney General's
9 office for investigation.

10 (d) Public safety.--Notwithstanding subsection (a) or (b) or
11 section 731 of The Fiscal Code, any suspected violation that
12 could pose a threat to public safety discovered by the
13 department during an examination authorized by this section may
14 be disclosed to the appropriate enforcement authority for
15 investigation.

16 § 9009. Retention of records by distributors and dealers.

17 (a) Record retention period.--

18 (1) The distributor and dealer shall maintain and keep,
19 for a period [of two years] consisting of the current
20 calendar year plus the previous two years, a record of
21 [liquid fuels and] motor fuels used or sold and delivered
22 within this Commonwealth by the distributor, together with
23 invoices, bills of lading and other pertinent papers as
24 required by the department. The amount of tax imposed on each
25 sale of motor fuels shall be stated separately.

26 (2) A person purchasing [liquid fuels and] motor fuels
27 taxable under this chapter from a distributor for the purpose
28 of resale shall maintain, for a period [of two years]
29 consisting of the current calendar year plus the previous two
30 years, a record of [liquid fuels and] motor fuels received,

1 the amount of tax paid to the distributor as part of the
2 purchase price, delivery tickets, invoices and bills of
3 lading and such other records as the department requires.

4 (3) Additional records include:

5 (i) A distributor shall keep a record showing the
6 number of gallons, GGEs or standard cubic feet of:

7 (A) all [diesel] motor fuel inventories on hand
8 at the first of each month;

9 (B) all [diesel] motor fuel refined, compounded
10 or blended;

11 (C) all [diesel] motor fuel purchased or
12 received, showing the name of the seller and the date
13 of each purchase or receipt;

14 (D) all [diesel] motor fuel sold, distributed or
15 used, showing the name of the purchaser and the date
16 of sale, distribution or use; and

17 (E) all [diesel] motor fuel lost by fire or
18 other accident.

19 (ii) A distributor shall keep a record showing the
20 octane value of each motor fuel purchased, sold or
21 blended.

22 ~~[(ii)]~~ (iii) A dealer shall keep a record showing
23 the number of gallons, GGEs or Standard cubic feet of:

24 (A) all [diesel] motor fuel inventories on hand
25 at the first of each month;

26 (B) all [diesel] motor fuel purchased or
27 received, showing the name of the seller, the date of
28 each purchase or receipt;

29 (C) all [diesel] motor fuel sold, distributed or
30 used; and

1 (D) all [diesel] motor fuel lost by fire or
2 other accident.

3 (iv) A dealer shall keep a record showing the octane
4 value of each motor fuel purchased, sold or blended.

5 (b) Penalty.--Any person violating any of the provisions of
6 this section commits a misdemeanor of the third degree.

7 (c) Maintenance of recordkeeping equipment.--The following
8 shall apply:

9 (1) Distributors and dealers are responsible for
10 ensuring that all measuring equipment used for recordkeeping,
11 including, but not limited to, meters, gauges and electronic
12 sensors, are maintained in good working order so that the
13 department, upon inspection of records and equipment provided
14 for in this chapter, is able to determine the proper tax that
15 the distributor or dealer should have reported or paid to the
16 Commonwealth.

17 (2) Any person violating any of the provisions of this
18 subsection commits a summary offense.

19 Section 13. Section 9011 of Title 75 is amended by adding a
20 subsection to read:

21 § 9011. Discontinuance or transfer of business.

22 * * *

23 (b.1) New permit prohibited.--Any natural person who
24 participated as an owner or officer of a distributor required to
25 provide notice under subsection (a) is prohibited from applying
26 for a new permit until the underlying liabilities to the
27 Commonwealth from the discontinued or transferred distributor
28 are satisfied.

29 Section 14. Section 9012(a) of Title 75 is amended and the
30 section is amended by adding subsections to read:

1 § 9012. Suspension or revocation of permits.

2 (a) Notice and hearings.--If the department finds that the
3 holder of a permit has failed to comply with the provisions of
4 this chapter, the department shall notify the permit holder and
5 afford the permit holder a hearing on [five] seven days' written
6 notice. A hearing will be scheduled by the department only upon
7 request by the permit holder.

8 * * *

9 (b.1) Immediate suspension or revocation.--Notwithstanding
10 subsection (a), the department may immediately suspend or revoke
11 a permit for failure to timely report or pay any tax due under
12 section 9006 (relating to distributor's report and payment of
13 tax).

14 (b.2) Demand on surety bond.--Notwithstanding subsection
15 (a), the department may make demand upon a distributor's surety
16 bond where the distributor has failed to timely report or pay
17 any tax due under section 9006.

18 * * *

19 Section 15. Sections 9013, 9014(a)(1)(i) and (ii), 9015,
20 9016, 9017(a.1), (b), (e.1), (e.2) and (f), 9018(a) and (c),
21 9019 heading, (a), (c), (d)(1) and (2) and (g) and 9022 of Title
22 75 are amended to read:

23 § 9013. Lien of taxes, penalties and interest.

24 [(a) General rule.--] All unpaid taxes imposed by this
25 chapter and section 9502 (relating to imposition of tax) and
26 penalties and interest due shall be a lien [upon the franchises
27 and property of the taxpayer after the lien has been entered and
28 docketed of record by the prothonotary or similar officer of the
29 county where the property is situated], as provided in Article
30 XIV of the act of April 9, 1929 (P.L.343, No.176), known as The

1 Fiscal Code.

2 [(b) Priority of lien.--The lien under subsection (a) shall
3 have priority from the date of its entry of record and shall be
4 fully paid and satisfied out of the proceeds of a judicial sale
5 of property subject to the lien before any other obligation,
6 judgment, claim, lien or estate to which the property may
7 subsequently become subject, except costs of the sale and of the
8 writ upon which the sale was made and real estate taxes and
9 municipal claims against the property. The lien under subsection
10 (a) shall be subordinate to mortgages and other liens existing
11 and recorded or entered of record prior to the recording of the
12 tax lien.

13 (c) Discharge of lien.--In the case of a judicial sale of
14 property subject to a lien imposed under this section, the sale
15 shall discharge the lien imposed under this section to the
16 extent only that the proceeds are applied to its payment, and
17 the lien shall continue in full force and effect as to the
18 balance remaining unpaid.

19 (d) Procedure.--

20 (1) Statements of all taxes imposed under this chapter
21 and section 9502, together with penalties and interest,
22 certified by the secretary, may be transmitted to the
23 prothonotaries or similar officers of the respective counties
24 of this Commonwealth to be entered of record and indexed as
25 judgments are now indexed.

26 (2) A writ of execution may directly issue upon the lien
27 without the issuance and prosecution to judgment of a writ of
28 scire facias.

29 (3) Not less than ten days before issuance of execution
30 on a lien, notice of the filing and the effect of the lien

1 shall be sent by registered mail to the taxpayer at the
2 taxpayer's last known post office address.

3 (4) A prothonotary or similar officer may not require,
4 as a condition precedent to the entry of a lien under this
5 section, the payment of costs incident to entry of the lien.

6 (5) A lien under this section shall continue for five
7 years from the date of entry and may be revived and continued
8 under the act of April 9, 1929 (P.L.343, No.176), known as
9 The Fiscal Code.

10 (e) Statement to department.--A sheriff, receiver, trustee,
11 assignee, master or other officer may not sell the property or
12 franchises of a distributor without first filing with the
13 department a statement containing all of the following
14 information:

15 (1) Name or names of the plaintiff or party at whose
16 instance or upon whose account the sale is made.

17 (2) Name of the person whose property or franchise is to
18 be sold.

19 (3) The time and place of sale.

20 (4) The nature and location of the property.

21 (f) Notice concerning lien.--The department, after receiving
22 notice under subsection (e), shall furnish to the sheriff,
23 receiver, trustee, assignee, master or other officer having
24 charge of the sale a certified copy or copies of all liquid
25 fuels tax, fuels tax and oil company franchise tax penalties and
26 interest on file in the department as liens against the person
27 or, if there are no such liens, a certificate showing that fact.
28 The certified copy or copies or certificate shall be publicly
29 read by the officer in charge of the sale at and immediately
30 before the sale of the property or franchise of the person.

1 (g) Lien certificate.--The department shall furnish to a
2 person making application, upon payment of the prescribed fee, a
3 certificate showing the amount of all liens for liquid fuels
4 tax, fuels tax or oil company franchise tax, penalties and
5 interest under the provisions of this chapter on record in the
6 department against any person.]

7 § 9014. Collection of unpaid taxes.

8 (a) When collection commences.--

9 (1) The department shall call upon the Office of
10 Attorney General to collect taxes, penalties or interest
11 imposed by this chapter or section 9502 (relating to
12 imposition of tax) at the following times:

13 (i) When payment is not made within 30 days of
14 [determination] assessment unless a petition for
15 redetermination has been filed.

16 (ii) When payment is not made within 30 days of the
17 date of [redetermination] reassessment unless a petition
18 for review has been filed.

19 * * *

20 § 9015. [Reports from common carriers.

21 (a) Duty.--A person transporting liquid fuels either in
22 interstate or intrastate commerce to a point within this
23 Commonwealth from a point within or without this Commonwealth
24 shall report under oath or affirmation to the department on or
25 before the last day of each month for the preceding month all
26 deliveries of liquid fuels made to points within this
27 Commonwealth.

28 (b) Forms.--The report shall be on a form prescribed by the
29 department and shall state the names and addresses of the
30 consignor and consignee, the number of gallons of liquid fuels

1 transported and any other information which the department may
2 require.

3 (c) Penalty.--Any person violating any of the provisions of
4 this section commits a misdemeanor of the third degree.]

5 (Reserved).

6 § 9016. [Reward for detection of violations.

7 The secretary is authorized to pay a reward, out of money
8 appropriated from the Motor License Fund for the purpose, to any
9 person, other than a State officer or employee, who reports a
10 distributor who has failed to file the reports required and pay
11 the tax imposed by this chapter. The reward shall be in an
12 amount the secretary deems proper, not exceeding 10% of the
13 amount of the tax, penalty and interest due. A reward shall not
14 be paid unless collection of the delinquent tax has been made or
15 the distributor has been convicted for violating this chapter.]

16 (Reserved).

17 § 9017. Refunds.

18 * * *

19 (a.1) Board of Finance and Revenue.--The Board of Finance
20 and Revenue may make reimbursements and refunds of tax imposed
21 and collected upon alternative fuels, liquid fuels or fuels as
22 provided under subsections (b), (c) or (e). In addition, the
23 board may refund on an annual basis any tax imposed by this
24 chapter and collected by the department upon alternative fuels,
25 liquid fuels or fuels delivered to any entity exempt from tax
26 under section 9004(e) (relating to imposition of tax, exemptions
27 and deductions) which has not been claimed as exempt by the
28 distributor or otherwise refunded. The board may adopt
29 regulations relating to procedures for the administration of its
30 duties under this subsection.

1 (b) Farm tractors and volunteer fire rescue and ambulance
2 services.--A person shall be reimbursed the full amount of the
3 tax imposed by this chapter if the person uses or buys
4 alternative fuels, liquid fuels or fuels on which the tax
5 imposed by this chapter has been paid and consumes them:

6 (1) in the operation of any nonlicensed farm tractor or
7 licensed farm tractor when used off the highways for
8 agricultural purposes relating to the actual production of
9 farm products; or

10 (2) in the operation of a vehicle of a volunteer fire
11 company, volunteer ambulance service or volunteer rescue
12 squad.

13 * * *

14 (e.1) Truck refrigeration units.--

15 (1) A program shall be implemented to provide
16 reimbursement for tax paid on undyed diesel fuel used in
17 truck refrigeration units.

18 (2) A person shall be reimbursed the amount of tax paid
19 pursuant to section 9004 on any purchase of undyed diesel
20 fuel which is not more than [75] 100 gallons or gasoline
21 gallon equivalents per purchase and is delivered into a fuel
22 tank which is designed to supply only an internal combustion
23 engine mounted on a registered vehicle used exclusively for
24 truck refrigeration.

25 (3) For the period of October 1, 1997, through September
26 30, 1998, claims for reimbursement of taxes paid shall be
27 filed by March 1, 1999, with the Department of Revenue. For
28 the period of October 1, 1998, through September 30, 1999,
29 claims for reimbursement under this subsection shall be filed
30 by October 31, 1999, with the department. For the period from

1 October 1, 1999, through September 30, 2000, inclusive,
2 claims for reimbursement under this subsection shall be filed
3 with the department by October 31, 2000. For the quarter
4 beginning October 1, 2000, and each quarter thereafter,
5 claims for reimbursement shall be filed with the department
6 on a quarterly basis and must be filed within 60 days
7 following the end of the quarter for which reimbursement is
8 being claimed.

9 (4) The department may require a claimant to satisfy any
10 sales or use tax liability on the undyed diesel fuel or
11 alternative fuels for which the reimbursement is claimed.

12 (5) A claim for reimbursement must be supported by sales
13 receipts with the word "reefer" noted on the claim and the
14 date of purchase, seller's name and address, number of
15 gallons or gasoline gallon equivalents purchased, fuel type,
16 price per gallon or GGE or total amount of sale, unit numbers
17 and the purchaser's name. The department may specify other
18 documentation which it will accept in lieu of sales receipts.
19 In the case of withdrawals from claimant-owned tax-paid bulk
20 storage, the claim must be supported by detailed records of
21 the date of withdrawal, number of gallons, or gasoline gallon
22 equivalents, fuel type, unit number and purchase and
23 inventory records to substantiate that the tax was paid on
24 all bulk purchases. Notwithstanding the provisions of section
25 9009 (relating to retention of records by distributors and
26 dealers), all required documentation shall be retained for a
27 period of three years following the filing date of the claim
28 for reimbursement under this subsection. If the claimant
29 fails to retain documentation as required by this paragraph,
30 the department may deny the reimbursement or issue an

1 assessment for any refund granted plus interest under section
2 9007 (relating to [determination and redetermination]
3 assessment and reassessment of tax, penalties and interest
4 due).

5 (e.2) Agricultural power takeoff.--A person shall be
6 reimbursed the full amount of the tax imposed by this chapter if
7 the person uses or buys [liquid fuels or fuels] motor fuels on
8 which the tax imposed by this chapter has been paid and consumes
9 them to load for delivery or to unload at a farm feed, feed
10 products, lime or limestone products for agricultural use from a
11 vehicle by means of a power takeoff, provided the fuel usage is
12 documented only by an electronic monitoring device used in
13 conjunction with an electronically controlled engine.

14 Reimbursements shall be documented only as provided in this
15 subsection, and no reimbursement shall be based upon any form of
16 alternative documentation. Claims for reimbursement shall be
17 filed with the department on a quarterly basis and must be filed
18 within 60 days following the end of the quarter for which
19 reimbursement is being claimed. The provisions of subsection (f)
20 except for the filing fee provision shall apply to claims for
21 reimbursement under this subsection to the extent they are not
22 inconsistent with this subsection.

23 (f) Claims, forms, contents, penalties.--

24 (1) A claim for reimbursement or refund under subsection
25 (b), (c) or (e) shall be made upon a form to be furnished by
26 the board and must include, in addition to such other
27 information as the board may by regulation prescribe, the
28 name and address of the claimant; the period of time and the
29 number of gallons or gasoline gallon equivalents of [liquid]
30 motor fuels used for which reimbursement is claimed; a

1 description of the farm machinery, aircraft or aircraft
2 engine in which [liquid] motor fuels have been used; the
3 purposes for which the machinery, aircraft or aircraft engine
4 has been used; and the size of the farm and part in
5 cultivation on which such [liquid] motor fuels have been
6 used.

7 (2) A claim must contain statements that the [liquid]
8 motor fuels for which reimbursement is claimed have been used
9 only for purposes for which reimbursements are permitted;
10 that records of the amounts of such fuels used in each piece
11 of farm machinery, aircraft or aircraft engine have been
12 kept; and that no part of the claim has been paid except as
13 stated. A claim must contain a declaration that it and
14 accompanying receipts are true and correct to the best of the
15 claimant's knowledge and must be signed by the claimant or
16 the person claiming on the claimant's behalf. A claim must be
17 accompanied by receipts indicating that the liquid fuels, __
18 fuels or alternative fuels tax was paid on the liquid fuels, __
19 fuels or alternative fuels or that the excess liquid fuels, __
20 fuels or alternative fuels tax was paid on the liquid fuels, __
21 fuels or alternative fuels for which reimbursement is
22 claimed. Records of purchases of [liquid] motor fuels and use
23 in each tractor or powered machinery, aircraft or aircraft
24 engine shall be kept for a period [of two years] consisting
25 of the current year plus two previous years. A claim must be
26 made annually for the preceding year ending on June 30. A
27 claim must be submitted to the board by September 30.

28 (3) The board shall refuse to consider any claim
29 received or postmarked later than that date. The claimant
30 must satisfy the board that the tax has been paid and that

1 the [liquid] motor fuels have been consumed by the claimant
2 for purposes for which reimbursements are permitted under
3 this section. The action of the board in granting or refusing
4 reimbursement shall be final. The board shall deduct the sum
5 of \$1.50, which shall be considered a filing fee, from every
6 claim for reimbursement granted. Filing fees are specifically
7 appropriated to the board and to the department for expenses
8 incurred in the administration of the reimbursement
9 provisions of this chapter. The board has the power to refer
10 to the department for investigation any claim for
11 reimbursement filed under the provisions of this chapter.

12 (4) The department shall investigate the application and
13 report to the board.

14 (5) A person making any false or fraudulent statement
15 for the purpose of obtaining reimbursement commits a
16 misdemeanor of the third degree.

17 * * *

18 § 9018. Violations.

19 (a) Failure to report and pay; examinations; unlawful
20 acts.--

21 (1) A person commits a [misdemeanor of the third degree]
22 summary offense if the person does any of the following:

23 (i) Fails, neglects or refuses to make the report
24 and pay the tax, penalties and interest imposed by this
25 chapter.

26 (ii) Refuses to permit the department or any agent
27 appointed by it in writing to examine books, records,
28 papers, storage tanks or other equipment pertaining to
29 the use or sale and delivery of liquid fuels within this
30 Commonwealth.

1 (iii) Makes any incomplete, false or fraudulent
2 report or claim.

3 (iv) Attempts to do anything to avoid a full
4 disclosure of the amount of [liquid] motor fuels used or
5 sold and delivered or to avoid the payment of the tax,
6 penalties and interest due.

7 (v) Fines imposed for summary offenses under
8 paragraph (1) shall be in addition to any penalty imposed
9 by any other section or subsection of this chapter.

10 (2) Any partner or member of an association and any
11 officer of a corporation whose duty it was to make the report
12 required by this chapter [shall be subject to imprisonment
13 under paragraph (1)] commits a misdemeanor of the third
14 degree for failing to make the report required and attend to
15 the payment of the tax imposed by this chapter.

16 (3) [The fine under paragraph (1) shall be in addition
17 to any penalty imposed by any other section or subsection of
18 this chapter.] (Reserved).

19 (4) Upon conviction under paragraph (1) or (2), all of
20 the convicted distributor's permits shall be revoked.

21 * * *

22 (c) Penalty.--A person who violates any of the provisions of
23 subsection (a) (1) commits a summary offense. A person who
24 violates any of the provisions of [this section] subsection (a)
25 (2) or (b) commits a misdemeanor of the third degree. The [fine]
26 finer shall be in addition to any penalty imposed by any other
27 section or subsection of this chapter. Upon conviction, all of
28 the convicted person's permits shall be revoked.

29 § 9019. [Diesel] Motor fuel importers and transporters;

30 prohibiting use of dyed diesel fuel on highways;

1 violations and penalties.

2 (a) [Diesel] Motor fuel transporters.--

3 (1) A person must obtain a [diesel] motor fuel
4 transporter's permit in order to import, export or transport
5 within this Commonwealth diesel fuel, other than dyed diesel
6 fuel, via a pipeline or by means of a tank-truck vehicle,
7 railroad tank car or vessel with a capacity of 2,000 gallons
8 or more. The permit application must be filed with the
9 department upon a form prescribed by the department. The
10 permit requirement does not apply to import, export or
11 transport of natural gas via pipeline.

12 (2) A [fee of \$5] per vehicle fee shall be charged by
13 the department for the issuance of a transporter's permit.

14 (3) Every person required to obtain a permit under
15 paragraph (1) shall report under oath or affirmation to the
16 department on or before the last day of each month for the
17 preceding month all deliveries of [diesel] motor fuel, other
18 than dyed diesel fuel, and retail deliveries of kerosene in
19 quantities of less than 300 gallons per delivery to any point
20 within this Commonwealth, including any interstate or
21 intrastate movements of [diesel] motor fuel and any exports.
22 The form shall be prescribed by the department and may
23 require any of the following:

24 (i) The names and addresses of the cosigner and
25 cosignee, the seller or other party from whom the
26 [diesel] motor fuel was received, the buyer or other
27 party to whom the [diesel] motor fuel was delivered and
28 points to and from which the [diesel] motor fuel was
29 shipped or delivered.

30 (ii) The method of shipment or delivery.

1 (iii) The number of gallons.

2 (4) All shipments of [diesel] motor fuel, including dyed
3 diesel fuel, shall be accompanied by sales delivery tickets
4 or bills of lading. Shipments for which the required
5 documentation does not accompany the shipment or for which
6 the notice required with respect to dyed diesel fuel does not
7 comply with the requirements of subsection (b) shall be
8 presumed to not be shipments of dyed diesel fuel.

9 (5) A transporter report must be electronically filed in
10 accordance with the methods of filing prescribed for
11 distributors under section 9006(e) (relating to distributor's
12 report and payment of tax).

13 (6) (i) A transporter holding a distributor permit is
14 not required to file a transporter report but must
15 possess a transporter permit under this section.

16 (ii) Transport of certain alternative fuels may not
17 be subject to the permit and reporting requirements of
18 this section. The department shall publish an annual
19 notice indicating which types of alternative fuels
20 qualify for the transporter permit and reporting
21 requirements under in this section.

22 * * *

23 (c) Dyed diesel fuel not to be used on public highways.--

24 (1) A person may not operate a motor vehicle on the
25 public highways of this Commonwealth if the fuel supply tanks
26 of the vehicle contain dyed diesel fuel unless permitted to
27 do so under a Federal law or regulation relating to the use
28 of dyed diesel fuel on the highways.

29 (2) A person may not sell or deliver any dyed diesel
30 fuel knowing or having reason to know that the fuel will be

1 consumed in a highway use. A person who dispenses dyed diesel
2 fuel from a retail pump that is not properly labeled with the
3 notice required by subsection (b) or who knowingly delivers
4 dyed diesel fuel into the storage tank of such a pump shall
5 be presumed to know the fuel will be consumed on the highway.

6 (3) There is a rebuttable presumption that a vehicle
7 registered for use on the public highways is used on the
8 public highways.

9 (4) Notwithstanding paragraph (1) or (2), dyed diesel
10 fuel may be used in a school bus, provided the bus is used
11 exclusively for the transportation of school district
12 students in grades K through 12, provided the usage does not
13 conflict with the exemptions provided in section 4082 of the
14 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
15 4082).

16 (d) Violations.--A person may not do any of the following:

17 (1) Import, export or transport within this Commonwealth
18 diesel fuel, other than dyed [diesel] motor fuel, without the
19 permit required under subsection (a)(1).

20 (2) Transport [diesel] motor fuel in this Commonwealth
21 without the permit required under subsection (a)(1).

22 * * *

23 (g) Enforcement.--

24 (1) Any revenue enforcement agent or other person
25 authorized by the department may enter any place where motor
26 fuels are produced or stored and may physically inspect any
27 tank, reservoir or other container that can be used for the
28 production, storage or transportation of [diesel] motor
29 fuel, diesel fuel dyes or diesel fuel markers. Inspection may
30 also be made of any equipment used for or in connection with

1 the production, storage or transportation of diesel fuel,
2 diesel fuel dyes or diesel fuel markers. This includes any
3 equipment used for the dyeing or marking of diesel fuel.
4 Books, records and other documents may be inspected to
5 determine tax liability. An agent may detain a vehicle,
6 vessel or railroad tank car placed on a customer's siding for
7 use or storage for the purpose of inspecting fuel tanks or
8 fuel storage tanks as necessary to determine the amount and
9 composition of the fuel. An agent may take and remove samples
10 of [diesel] motor fuel in reasonable quantities necessary to
11 determine the composition of the fuel.

12 (2) A person that refuses to allow an inspection as
13 provided in this subsection commits a summary offense and
14 shall, upon conviction, be sentenced to pay a fine of not
15 less than \$1,000 nor more than \$2,000 for each refusal.

16 § 9022. Uncollectible [checks] payments.

17 If the payment of a tax, penalty or interest imposed by this
18 chapter is returned to the department as uncollectible, the
19 department shall [charge a fee of \$5 per hundred dollars or
20 fractional part thereof, plus all protest fees, to the person
21 presenting the check to the department] apply section 3003.9 of
22 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
23 Code of 1971.

24 Section 16. Title 75 is amended by adding a section to read:
25 § 9023. Emergency assistance in a timely manner.

26 (a) Within this Commonwealth.--Upon the Governor's
27 declaration of a state of emergency in this Commonwealth, the
28 Secretary of Revenue may waive, suspend or otherwise modify any
29 provisions of this chapter for the sole purpose of enabling
30 motor carriers to respond to emergency conditions and conduct

1 emergency relief efforts in a timely manner. Such waivers,
2 suspensions or modifications shall be effective for a specific
3 period of time as determined by the secretary and shall not
4 exceed the termination of the state of emergency declared by the
5 Governor.

6 (b) Outside this Commonwealth.--The Secretary of Revenue,
7 with prior authorization from the Governor, may waive, suspend
8 or otherwise modify any provisions of this chapter on a
9 temporary and definite basis in order to facilitate the timely
10 movement of vehicles or fuel from and through this Commonwealth
11 to other jurisdictions requesting emergency assistance from this
12 Commonwealth.

13 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
14 each distributor, exempt entity or other person who buys, sells
15 or uses liquid fuels, fuels or alternative fuels pursuant to the
16 terms of an emergency declaration shall maintain records to
17 substantiate participation in the emergency relief efforts. Any
18 vehicle, other than a qualified motor vehicle as defined under
19 section 2101.1 (relating to definitions) or a vehicle operated
20 by an exempt entity traveling on the public highways of this
21 Commonwealth during the emergency period under subsection (a) or
22 (b) shall maintain records of purchases of tax-exempt fuel.

23 (d) Taxes not waived.--Unless specifically suspended by the
24 Secretary of Revenue, liquid fuels, fuels and alternative fuel
25 taxes imposed under section 9004 (relating to imposition of tax,
26 exemptions and deductions) shall not be waived for an emergency
27 period under subsection (a) or (b).

28 Section 17. Chapter 90 of Title 75 is amended by adding a
29 subchapter to read:

30 SUBCHAPTER C

1 ELECTRIC VEHICLE ROAD FEE

2 § 9031. Short title of subchapter.

3 This subchapter shall be known and may be cited as the
4 Electric Vehicle Road Fee Act.

5 § 9032. Road use fee imposed on electric vehicles.

6 (a) Fee required for registration.--Concurrent with
7 submitting an annual vehicle registration application and fee to
8 the Department of Transportation under section 1301 (relating to
9 registration and certificate of title required), an owner of an
10 electric vehicle shall submit the electric vehicle road fee. The
11 following shall apply:

12 (1) Normal vehicle registration shall not be considered
13 complete without payment in full of the electric vehicle road
14 fee.

15 (2) The electric vehicle road fee shall be paid by each
16 new owner registering the vehicle with the Commonwealth.

17 (b) Computation of electric vehicle road use fee.--

18 (1) The Department of Revenue shall compute the electric
19 vehicle road fee for each major vehicle class defined in the
20 CAFE standards.

21 (2) The electric vehicle road fee shall equal the
22 average annual vehicle fuel tax within each vehicle class.

23 (3) The average annual vehicle fuel fee computation
24 shall be as follows:

25 (i) The vehicle average miles driven divided by the
26 miles per gallon equivalent per vehicle as determined by
27 the department.

28 (ii) The quotient under subparagraph (i) shall be
29 multiplied by the sum of liquid fuels and oil company
30 franchise tax rates for gasoline and the product shall be

1 the average annual vehicle fuel fee.

2 (4) The department shall annually determine the electric
3 vehicle road fee for each vehicle class, to be published in
4 the Pennsylvania Bulletin on or before December 15 of each
5 year.

6 (c) Regulations.--The department shall promulgate
7 regulations to address new vehicle technology.

8 § 9033. Electricity not a motor fuel.

9 (a) General rule.--Electricity used in an electric motor
10 that propels a vehicle on the highways of this Commonwealth is
11 not considered a motor fuel as defined under this chapter.

12 (b) Electric vehicles exempt from motor fuel taxes.--An
13 electric vehicle shall not pay a motor fuel tax under this
14 chapter unless the tax is assessed upon motor fuel that may also
15 be used in the vehicle.

16 § 9034. Fees for highway maintenance and construction.

17 A fee collected under this subchapter must be allocated to
18 the Motor License Fund in accordance with the allocations under
19 Chapter 95 (relating to taxes for highway maintenance and
20 construction). For purposes of aligning the electric vehicle
21 road fee with the allocations of taxes provided for in Chapter
22 95, the electric vehicle road fee must be allocated in the same
23 fashion as the oil company franchise tax in Chapter 95.

24 § 9035. Exempt entities.

25 An electric vehicle registered to an exempt entity is exempt
26 from paying the the electric vehicle road fee. An exempt entity
27 shall comply with the following usage and recordkeeping
28 requirements:

29 (1) If an electric vehicle registered to an exempt
30 entity is used for a nonexempt purpose during the

1 registration year, the exempt entity shall pay a fine to the
2 department of \$500. The vehicle owner is not eligible for a
3 refund of a registration fee that may have been paid for the
4 vehicle.

5 (2) An exempt entity applying for a refund under section
6 9007 (relating to assessment and reassessment of tax,
7 penalties and interest due) shall maintain records of vehicle
8 usage, certifying that an individual trip made by the vehicle
9 was for a qualified exempt use. Individual trip logs,
10 odometer readings and driver signatures shall be among the
11 records required to substantiate exempt use.

12 (3) The department may inspect the substantiating
13 records for an exempt entity at any time.

14 (4) The exempt entity shall cooperate with an agent of
15 the department in an inspection.

16 (5) An exempt entity that refuses to permit the
17 department or an agent appointed by it in writing to examine
18 the books, records, papers or other equipment associated with
19 the operation of an electric vehicle commits a summary
20 offense and shall pay a fine of \$500 for each electric
21 vehicle owned or operated by the exempt entity.

22 § 9036. Refunds.

23 A person may be entitled to a refund of the electric vehicle
24 road fee paid for a vehicle that would otherwise have been
25 exempt under section 9006 (relating to distributor's report and
26 payment of tax). A person entitled to a refund of the electric
27 vehicle road fee shall apply for an annual refund in a manner
28 similar to the refund process used for motor fuels under section
29 9017 (relating to refunds).

30 § 9037. Motor carriers road tax and the International Fuel Tax

1 Agreement.

2 The department shall promulgate regulations as necessary for
3 compliance with the motor carriers road tax and International
4 Fuel Tax Agreement.

5 Section 18. Section 9602 of Title 75 is amended by adding a
6 definition to read:

7 § 9602. Definitions.

8 The following words and phrases when used in this chapter and
9 in Chapter 21 (relating to motor carriers road tax
10 identification markers) shall have the meanings given to them in
11 this section and in section 2101.1 (relating to definitions)
12 unless the context clearly indicates otherwise:

13 * * *

14 "Permit." A permit authorizing travel of a qualified
15 motor vehicle in this Commonwealth which is not suspended,
16 revoked or canceled.

17 * * *

18 Section 19. Section 9610 of Title 75 is amended to read:

19 § 9610. [Records.

20 Every motor carrier shall keep such records, in such form as the
21 department reasonably may prescribe, as will enable the carrier
22 to report and enable the department to determine the total
23 number of miles traveled by its entire fleet of qualified motor
24 vehicles, the total number of miles traveled in this
25 Commonwealth by the entire fleet, the total number of gallons of
26 motor fuel used by the entire fleet and the total number of
27 gallons of motor fuel purchased in this Commonwealth for the
28 entire fleet. All such records shall be safely preserved for a
29 period of four years in such manner as to insure their security
30 and availability for inspection by the secretary or any

1 authorized employee engaged in the administration of this
2 chapter. Upon application in writing, stating the reasons
3 therefor, the department may, in its discretion, consent to the
4 destruction of any such records at any time within that period
5 if the records pertain to a period which has been audited by the
6 department. Every taxpayer shall retain records required by this
7 chapter at a place within this Commonwealth, but a taxpayer who
8 elects to retain records outside of this Commonwealth shall
9 assume reasonable out-of-State audit expenses.] (Reserved).

10 Section 20. Title 75 is amended by adding a section to read:
11 § 9610.1 Recordkeeping.

12 (a) Records.--Every motor carrier shall keep records, in a
13 form as the department may reasonably prescribe, as will enable
14 the carrier to report and enable the department to determine all
15 of the following:

16 (1) The total number of miles traveled by its entire
17 fleet of qualified motor vehicles.

18 (2) The total number of miles traveled in this
19 Commonwealth by the entire fleet.

20 (3) The total number of gallons of motor fuel used by
21 the entire fleet.

22 (4) The total number of gallons of motor fuel purchased
23 in this Commonwealth for the entire fleet.

24 (b) Record location.--Every taxpayer shall retain records
25 required by this chapter at a place within this Commonwealth.
26 A taxpayer who elects to retain records outside this
27 Commonwealth shall assume reasonable out-of-State audit
28 expenses.

29 (c) Record preservation.--Records shall be preserved for a
30 period of four years from the due date of the return or the date

1 filed, whichever is later. The preservation shall ensure their
2 security and availability for inspection by the secretary or any
3 authorized employee engaged in the administration of this
4 chapter. Records may be kept on microfilm, microfiche or other
5 computerized or condensed record storage system. Upon
6 application in writing, stating the reasons therefor, the
7 department may, in its discretion, consent to the destruction of
8 any such records at any time within that period if the records
9 pertain to a period which has been audited by the department.

10 (d) Record availability.--Records for International Fuel Tax
11 Agreement licensees must be made available upon request of a
12 member jurisdiction.

13 (e) Statute of limitations.--Failure to provide records
14 demande for the purpose of audit shall extend the statute of
15 limitations until the records are provided.

16 (f) Separate accounting.--Bulk storage fuel purchases and
17 withdrawals and over-the-road purchases shall be accounted for
18 separately.

19 (g) International Fuel Tax Agreement vehicles.--The
20 International Fuel Tax Agreement vehicles whose base
21 jurisdiction is this Commonwealth shall follow the International
22 Fuel Tax Agreement Procedures Manual for the following
23 recordkeeping standards:

24 (1) Over-the-road fuel purchases.

25 (2) Bulk fuel purchases.

26 (3) Distance records.

27 (4) Acceptable source records for recording vehicle
28 distance information that shall include all of the following:

29 (i) The Individual Vehicle Mileage Record required
30 by the International Registration Plan.

1 (ii) A trip report that includes the information in
2 paragraphs (1) through (3), the starting and ending date
3 of the trip, the trip's origin and destination, including
4 city and state, routes of travel, starting and ending
5 odometer readings, vehicle unit number, vehicle fleet
6 number and licensee's name.

7 (iii) At the option of the carrier, on-board
8 recording devices that may be used in lieu of or in
9 addition to handwritten trip reports for fuel tax
10 reporting. On-board recording devices may be used alone
11 or in conjunction with an electronic computer system, or
12 in conjunction with manual systems.

13 (5) Data collection to obtain the information needed to
14 verify fleet distance, to prepare the Individual Vehicle
15 Distance Record and for fuel tax purposes, the carrier shall
16 maintain all mandatory and optional records as specified in
17 the International Fuel Tax Agreement Procedures Manual.

18 (6) International Fuel Tax Agreement decals shall be
19 considered records under this section. International Fuel Tax
20 Agreement motor carriers shall be responsible for maintaining
21 the decals for periods sufficient to meet the record
22 preservation rules under subsection (c). If a motor carrier
23 loses control of a decal for which it is responsible under
24 Chapter 21 (relating to motor carriers road tax
25 identification markers), the motor carrier shall notify the
26 department in writing of the loss within ten days. An owner-
27 operator to whom a licensed carrier has provided decals shall
28 remain responsible for the disposition of the owner-
29 operator's decals.

30 (h) Qualified motor vehicles.--A qualified motor vehicle not

1 subject to International Fuel Tax Agreement and holding a motor
2 carrier road tax license under Chapter 21 (relating to motor
3 carriers road tax identification markers) shall comply with
4 subsections (a) through (f). The qualified motor vehicle holding
5 the permit shall maintain responsibility for PA-MCRT decals in a
6 manner similar to that as provided for International Fuel Tax
7 Agreement decals in subsection (g) (6).

8 (i) Compliance.--Noncompliance with any recordkeeping
9 requirement under this section may cause revocation of the
10 license.

11 (j) Definition.--For purposes of this section, the term
12 "record," wherever applicable and practical, shall include
13 actual individual records of mileage traveled or receipts of
14 fuel purchased.

15 Section 21. Sections 9611 and 9613 of Title 75 are amended
16 to read:

17 § 9611. Surety bond for payment of taxes.

18 (a) General.--A motor carrier may give a surety company bond
19 in an amount deemed necessary by the department to protect the
20 revenues of the Commonwealth, payable to the Commonwealth of
21 Pennsylvania and conditioned that the carrier will pay all taxes
22 due and to become due under this chapter from the date of the
23 bond to the date when either the carrier or the bonding company
24 notifies the department that the bond has been canceled. The
25 surety shall be a corporation authorized to write surety bonds
26 in this Commonwealth. As long as the bond remains in force, the
27 Board of Finance and Revenue may order refunds to the motor
28 carrier in the amounts appearing to be due on applications duly
29 filed by the motor carrier under section 9604 (relating to
30 credit for motor fuel tax payment), without first auditing the

1 records of the carrier. The bond shall cover taxes and interest
2 due thereon even though the assessment is made after
3 cancellation of the bond, but only for taxes due and payable
4 while the bond was in force and penalties and interest on such
5 taxes.

6 (b) Conditions for bonding.--The department may require a
7 licensee to post a bond if any of the following conditions
8 exist:

9 (1) The licensee fails to timely file tax returns or
10 remit taxes.

11 (2) When an audit, examination or inspection of records
12 indicates problems severe enough that, in the department's
13 discretion, a bond is required to protect the interests of
14 the Commonwealth or member jurisdictions.

15 (3) As may be required under the International Fuel Tax
16 Agreement.

17 (c) Surety amount.--The total amount of the bond shall be
18 determined by the department and shall be equivalent to at least
19 twice the amount of the estimated average tax liability for the
20 tax reporting period for which the licensee shall be required to
21 file a tax return.

22 (d) Surety substitute.--Upon approval by the department, in
23 lieu of a surety bond, an International Fuel Tax Agreement
24 licensee or applicant for a new International Fuel Tax Agreement
25 license may deposit a substitute type of surety as provided for
26 in the International Fuel Tax Agreement Articles of Agreement
27 and Procedures Manual.

28 (e) Demand on bond.--In order to secure the revenues of the
29 Commonwealth or member jurisdictions, the department shall have
30 the discretion to make demand on a taxpayer's surety bond upon

1 discovering a failure to timely file a report or payment as
2 required under section 9605 (relating to tax due date).

3 (f) Applicability.--Bond requirements under this section may
4 apply to new International Fuel Tax Agreement license applicants
5 and existing International Fuel Tax Agreement licensees.

6 § 9613. Penalty and interest for failure to report or pay tax.

7 When any motor carrier fails to file a report [and] or pay
8 the tax within the time prescribed by this chapter for the
9 filing [and] or payment thereof, he shall pay as a penalty for
10 each failure to file or to pay on or before the prescribed date
11 a sum equivalent to 10% of the tax or \$50, whichever is greater.
12 In addition to this penalty, any unpaid tax shall bear interest
13 at the current rate [of 1% per month or fraction thereof]
14 imposed by the International Fuel Tax Agreement until the tax is
15 paid. If the Commonwealth ceases to participate in the
16 International Fuel Tax Agreement, the rate shall be 1% per month
17 or fraction thereof until the tax is paid. The penalties and
18 interest charges imposed shall be paid to the department in
19 addition to the tax due. This section shall apply to any
20 qualified motor vehicle, including a qualified motor vehicle
21 bearing an International Fuel Tax Agreement or motor carrier
22 road tax license and decal in accordance with Chapter 21
23 (relating to motor vehicle road tax carriers identification
24 markers).

25 Section 22. Section 9615(e) of Title 75 is amended and the
26 section is amended by adding a subsection to read:

27 § 9615. Manner of payment and recovery of taxes, penalties and
28 interest.

29 * * *

30 [(e) Renewal of lien.--The lien imposed under this section

1 shall continue for five years from the date of its entry of
2 record and may be renewed and continued in the manner provided
3 for the renewal of judgments.]

4 (e.1) Renewal of lien.--A lien under this section shall
5 continue as specified under section 1401 of the act of April 9,
6 1929 (P.L.343, No.176), known as The Fiscal Code.

7 Section 23. Sections 9616(a), (e) and (f) and 9617 are
8 amended to read:

9 § 9616. [Determination, redetermination] Assessment,
10 reassessment and review.

11 (a) Failure to pay tax.--If any person fails to pay any tax
12 imposed by this chapter for which he is liable, the department
13 may make [a determination] an assessment of additional tax and
14 interest due by such person based upon any information within
15 its possession or that shall come into its possession. All
16 [determinations] assessments shall be made so that notice
17 thereof shall reach the parties against whom made within five
18 years after the due date of the tax. Any assessment may be made
19 at any time during that period notwithstanding that the
20 department may have made one or more previous assessments
21 against the taxpayer for the year in question or for any part of
22 that year. In any case, no credit shall be given for any penalty
23 previously assessed or paid.

24 * * *

25 (e) Petition for [redetermination] reassessment.--Promptly
26 after the date of the [determination] assessment, the department
27 shall send, by first class mail, a copy thereof to the person
28 against whom it was made. Within 90 days after the date upon
29 which the copy of any such [determination] assessment was
30 mailed, such person may file with the department a petition for

1 [redetermination] reassessment of the taxes. The petition for
2 [redetermination] reassessment shall state specifically the
3 reasons which the petitioner believes entitle him to the
4 [redetermination] reassessment, and it shall be supported by
5 affirmation that it is not made for the purpose of delay and
6 that the facts set forth therein are true. It shall be the duty
7 of the department, within six months after the date of any
8 determination, to dispose of any petition for redetermination.
9 Notice of the action taken upon any petition for redetermination
10 shall be given to the petitioner promptly after the date of
11 redetermination by the department.

12 (f) [Review and appeal.--Any person shall have the right to
13 review by the Board of Finance and Revenue and appeal in the
14 same manner and within the same time as provided by law in the
15 case of capital stock and franchise taxes imposed upon
16 corporations.] A person dissatisfied with the decision of the
17 department under subsection (b) shall have the right to petition
18 for review by the Board of Finance and Revenue in accordance
19 with Article XXVII of the act of March 4, 1971 (P.L.6, No.2),
20 known as the Tax Reform Code of 1971.

21 § 9617. [Timely mailing treated as timely filing and payment.

22 With respect to all reports, claims, statements and other
23 documents required to be filed and all payments required to be
24 made under this chapter, any such report, claim, statement and
25 other document or payment of tax withheld shall be considered as
26 timely filed if the report, claim, statement or other document
27 or payment which has been received by the department is
28 postmarked by the United States Postal Service on or prior to
29 the final day on which payment is to be received. For the
30 purposes of this chapter, the presentation of a receipt

1 indicating that the report, claim, statement or other document
2 or payment was mailed by registered or certified mail on or
3 before the due date shall be prima facie evidence of timely
4 filing of the report, claim, statement or other document or
5 payment.] (Reserved).

6 Section 24. Title 75 is amended by adding sections to read:
7 § 9617.1. Method of filing and timeliness.

8 (a) Electronic filing.--Except as provided for under
9 subsection (b), unless specifically provided for by law, all
10 reports, payments and petitions shall be filed electronically
11 with the department. Upon receipt of an electronic filing by the
12 department, the filing shall be deemed to have occurred on the
13 specific date and time indicated by the department's computers
14 or systems.

15 (b) Exceptions.--

16 (1) Electronic filing shall not be required for any
17 payment amounts less than \$1,000.

18 (2) A motor carrier may be excused from electronic
19 filing that is otherwise required by law upon presenting to
20 the department evidence of hardship in filing electronically.
21 Such evidence shall be provided to and accepted by the
22 department before the due date for the report, payment or
23 petition.

24 (3) Electronic filing shall not be accepted by the
25 department for certain required filings under this chapter
26 where the department does not have the technical capability
27 to process such an electronic filing.

28 (c) United States Postal Service filing.--

29 (1) Whenever a report, payment or petition is required
30 or allowed by law to be filed with the department by United

1 States Postal Service, all of the following shall apply:

2 (i) If the report must be received by the department
3 on or before a day certain, the taxpayer shall be deemed
4 to have complied with the law if the correctly addressed
5 envelope transmitting the report, payment or petition
6 received by the department is postmarked by United States
7 Postal Service on or before the final day on which the
8 report, payment or petition is required to be received.

9 (ii) For the purposes of this subsection,
10 presentation of a receipt from United States Postal
11 Service indicating that the correctly addressed envelope
12 transmitting the report, payment or petition received by
13 the department was mailed on or before the due date shall
14 be evidence of timely filing and payment.

15 (d) Applicability.--This section shall not apply to any
16 report, payment or petition that is required by law to be
17 delivered by any method other than mailing.

18 § 9623. Uncollectible payments.

19 If the payment of a tax, penalty or interest imposed by this
20 chapter is returned to the department as uncollectible, the
21 department shall follow section 3003.9 of the act of March 4,
22 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

23 § 9624. Emergency assistance in a timely manner.

24 (a) Within this Commonwealth.--Upon the Governor's
25 declaration of a state of emergency in this Commonwealth, the
26 Secretary of Revenue may waive, suspend or otherwise modify any
27 provisions of this chapter for the sole purpose of enabling
28 motor carriers to respond to emergency conditions and conduct
29 emergency relief efforts in a timely manner. The waivers,
30 suspensions or modifications shall be effective for a specific

1 period of time as determined by the Secretary of Revenue and
2 shall not exceed the termination of the state of emergency
3 declared by the Governor.

4 (b) Outside this Commonwealth.--The Secretary of Revenue,
5 with prior authorization from the Governor, may waive, suspend
6 or otherwise modify any provisions of this chapter on a
7 temporary and definite basis in order to facilitate the timely
8 movement of vehicles or fuel from and through this Commonwealth
9 to other jurisdictions requesting emergency assistance from this
10 Commonwealth.

11 (c) Recordkeeping.--Notwithstanding subsections (a) and (b),
12 each distributor, exempt entity or other person who buys, sells
13 or uses liquid fuels, fuels or alternative fuels pursuant to the
14 terms of an emergency declaration shall maintain records to
15 substantiate participation in emergency relief efforts. A
16 vehicle, other than a qualified motor vehicle as defined under
17 section 2101.1 (relating to definitions) or a vehicle operated
18 by an exempt entity traveling on the public highways of this
19 Commonwealth during the emergency period under subsection (a) or
20 (b) must maintain records of purchases of tax-exempt fuel.

21 (d) Taxes not waived.--Unless suspended by the Secretary of
22 Revenue, liquid fuels, fuels and alternative fuel taxes imposed
23 under section 9004 may not be waived for an emergency period
24 under subsection (a) or (b).

25 Section 25. This act shall take effect in 60 days.