

1 **AVIATION FUEL TAX**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Lyle W. Hillyard**

5 AN ACT RELATING TO REVENUE AND TAXATION; AMENDING THE ALLOCATION OF
6 AVIATION FUEL TAX REVENUES; AND PROVIDING AN EFFECTIVE DATE.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9 **59-13-402**, as last amended by Chapter 179, Laws of Utah 1999

10 *Be it enacted by the Legislature of the state of Utah:*

11 Section 1. Section **59-13-402** is amended to read:

12 **59-13-402. Revenue from taxes deposited with treasurer -- Credit to Aeronautics**
13 **Restricted Account -- Purposes for which funds may be used -- Allocation of funds -- Reports**
14 **-- Returns required.**

15 (1) (a) All revenue received by the commission under this part shall be deposited daily
16 with the state treasurer who shall credit all of the revenue collected to the Transportation Fund.

17 (b) An appropriation from the Transportation Fund shall be made to the commission to
18 cover expenses incurred in the administration and enforcement of this part and the collection of
19 the aviation fuel tax.

20 (c) Refunds to which taxpayers are entitled under this part shall be paid from the
21 Transportation Fund.

22 (2) The state treasurer shall place an amount equal to the total amount received from the
23 sale or use of aviation fuel in the Transportation Fund's Restricted Revenue Account for
24 aeronautical operations of the Department of Transportation for:

25 (a) the construction, improvement, operation, and maintenance of publicly used airports
26 in this state and the payment of principal and interest on indebtedness incurred for those purposes;

27 (b) the promotion of aeronautics in this state; and

28 (c) the payment of the costs and expenses of the Department of Transportation in
 29 administering this part or other law conferring upon it the duty of regulating and supervising
 30 aeronautics in this state.

31 (3) The tax imposed on each gallon of aviation fuel under Section 59-13-401 shall be
 32 allocated to the airport where the aviation fuel was sold and to aeronautical operations of the
 33 Department of Transportation as follows:

	Total	Allocation to	Allocation to
	Tax	Airport	Aeronautical Operations
37 Tax on Each Gallon of Aviation Fuel Purchased			
38 for Use by a Federally Certificated Air Carrier	\$.04	[\$.03] <u>\$.01</u>	[\$.01] <u>\$.03</u>
39 Tax on Each Gallon of Aviation Fuel Purchased			
40 for Use by a Person Other than a			
41 Federally Certificated Air Carrier at the Salt Lake International Airport			
42 [beginning July 1, 1999	\$.06	\$.02	\$.04]
43 beginning July 1, 2000	\$.08	\$.01	\$.07
44 beginning July 1, 2001	\$.09	\$.00	\$.09
45 Tax on Each Gallon of Aviation Fuel Purchased			
46 for Use by a Person Other than a			
47 Federally Certificated Air Carrier Other than at the Salt Lake International Airport			
48 [beginning July 1, 1999	\$.06	\$.03	\$.03]
49 beginning July 1, 2000	\$.08	\$.03	\$.05
50 beginning July 1, 2001	\$.09	\$.03	\$.06

51 (a) The allocation to the publicly used airport may be used at the discretion of the airport's
 52 governing authority for the purposes specified in Subsection (2)(a).

53 (b) Upon appropriation by the Legislature, the allocation to aeronautical operations of the
 54 Department of Transportation shall be used as provided in Subsection (2).

55 (4) (a) The commission shall require reports and returns from distributors, retail dealers,
 56 and users in order to enable the commission and the Department of Transportation to allocate the
 57 revenue to be credited to the Transportation Fund's Restricted Revenue Account for the
 58 aeronautical operations of that department and the separate accounts of individual airports.

59 (b) (i) Except as provided by Subsection (4)(b)(ii), any unexpended amount remaining in
60 the account of any publicly used airport on the first day of January, April, July, and October shall
61 be paid to the authority operating the airport.

62 (ii) Aviation fuel tax allocated to any airport owned and operated by a city of the first class
63 shall be paid to the city treasurer on the first day of each month.

64 (c) The state treasurer shall place aviation fuel tax collected on fuel sold at places other
65 than publicly used airports in the Transportation Fund's Restricted Revenue Account for the
66 aeronautical operations of the Department of Transportation.

67 Section 2. **Effective date.**

68 This act takes effect on July 1, 2000.

Legislative Review Note
as of 1-6-00 11:09 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel