

## House Bill 61

By: Representatives Davis of the 109<sup>th</sup>, Loudermilk of the 14<sup>th</sup>, Hatfield of the 177<sup>th</sup>, Setzler of the 35<sup>th</sup>, Everson of the 106<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
2 taxation, so as to change certain provisions regarding applicability of sales and use tax to  
3 motor fuel sales; to change certain provisions regarding the second motor fuel tax; to provide  
4 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
9 amended by revising Code Section 48-8-3.1, relating to the applicability of sales and use tax  
10 to motor fuel sales, as follows:

11 "48-8-3.1.

12 (a) Except as provided in subsection (b) of this Code section, sales and use of motor fuels  
13 as defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the ~~first 3~~ 4  
14 percent of the sales and use ~~taxes~~ tax levied or imposed by this article ~~and shall be subject~~  
15 ~~to the remaining 1 percent of the sales and use taxes levied or imposed by this article.~~

16 (b) Sales and use of motor fuel other than gasoline which motor fuel other than gasoline  
17 is purchased for purposes other than propelling motor vehicles on public highways as  
18 defined in Article 1 of Chapter 9 of this title shall be fully subject to the 4 percent sales and  
19 use ~~taxes~~ tax levied or imposed by this article unless otherwise specifically exempted by  
20 this article.

21 (c) It is specifically declared to be the intent of the General Assembly that taxation  
22 imposed on sales and use of motor fuel ~~wholly or partially~~ subject to taxation under  
23 subsection (b) of this Code section shall not constitute motor fuel taxes for purposes of any  
24 provision of the Constitution providing for the automatic or mandatory appropriation of  
25 any amount of funds equal to funds derived from motor fuel taxes."

26 **SECTION 2.**

27 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section  
28 48-9-14, relating to the second motor fuel tax, as follows:

29 "(b)(1) The motor fuel tax imposed by this Code section is levied at the rate of ~~3~~ 4  
30 percent of the retail sale price less the tax imposed by Code Section 48-9-3 upon the sale,  
31 use, or consumption, as defined in Code Section 48-8-2, of motor fuel in this state. This  
32 tax shall be subject only to the exemptions provided in Code Section 48-9-3."

33 **SECTION 3.**

34 This Act shall become effective on July 1, 2009.

35 **SECTION 4.**

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