

House Bill 1077

By: Representatives Fludd of the 66<sup>th</sup>, Stephens of the 164<sup>th</sup>, and Mosby of the 90<sup>th</sup>

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 increase the excise tax on motor fuel; to provide for an income tax credit  
3 for qualified motor fuel expenses; to provide for a definition; to provide for conditions and  
4 limitations; to provide for powers, duties, and authority of the state revenue commissioner  
5 with respect to the foregoing; to provide an effective date; to provide for applicability; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
10 amended by revising paragraph (1) of subsection (a) of Code Section 48-9-3, relating to the  
11 excise tax on motor fuel, as follows:

12 "(a)(1) An excise tax is imposed at the rate of ~~7-1/2~~ 10 1/2¢ per gallon on distributors  
13 who sell or use motor fuel within this state. It is the intention of the General Assembly  
14 that the legal incidence of the tax be imposed upon the distributor."

15 **SECTION 2.**

16 Said title is further amended by adding a new Code section to read as follows:

17 "48-7-29.18.

18 (a) As used in this Code section, the term 'qualified motor fuel expense' means the  
19 expenditure of funds by a taxpayer who resides in this state for motor fuel purchased in this  
20 state in the tax year for which the credit under this Code section is claimed and allowed.

21 (b) A taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20  
22 for motor fuel expenses in an amount not to exceed 1¢ per gallon of the total number of  
23 gallons purchased.

24 (c) In no event shall the total amount of the tax credits under this Code section for a  
25 taxable year exceed the taxpayer's income tax liabilities. Any unused tax credit shall be

26 allowed the taxpayer against succeeding years' tax liabilities. No such tax credit shall be  
27 allowed the taxpayer against prior years' tax liability.  
28 (d) The commissioner shall be authorized to promulgate any rules and regulations  
29 necessary to implement and administer the provisions of this Code section."

30 **SECTION 3.**

31 This Act shall become effective upon its approval by the Governor or upon its becoming law  
32 without such approval, and Section 2 of this Act shall be applicable to all taxable years  
33 beginning on or after January 1, 2010.

34 **SECTION 4.**

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