

SENATE SUBSTITUTE TO HB 743:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the
 2 motor fuel tax, so as to extend the expiration date for the exemption from the motor fuel tax
 3 for certain public transit and public campus transportation systems; to amend Code Section
 4 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales
 5 and use taxes, so as to change certain provisions regarding certain exemptions; to provide for
 6 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
 7 and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the motor fuel
 11 tax, is amended by revising subparagraphs (b)(10)(A) and (b)(10)(B) as follows:

12 "(10)(A) During the period of July 1, ~~2010~~ 2012, through June 30, ~~2012~~ 2015, sales of
 13 motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit
 14 vehicles which are owned by public transportation systems which receive or are eligible
 15 to receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger
 16 fares are routinely charged and which vehicles are used exclusively for revenue
 17 generating purposes which motor fuel sales occur at bulk purchase facilities approved
 18 by the department.

19 (B) During the period of July 1, ~~2010~~ 2012, through June 30, ~~2012~~ 2015, sales of motor
 20 fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a
 21 public campus transportation system, provided that such system has a policy which
 22 provides for free transfer of passengers from the public transportation system operated
 23 by the jurisdiction in which the campus is located; makes the general public aware of
 24 such free transfer policy; and receives no state or federal funding to assist in the
 25 operation of such public campus transportation system and which motor fuel sales
 26 occur at bulk purchase facilities approved by the department."

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SECTION 2.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, is amended by revising subparagraph (C) of paragraph (33.1), by deleting "or" at the end of paragraph (90), by deleting the period and adding "; or" at the end of paragraph (91), and by adding a new paragraph to read as follows:

"(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have the same meaning as set forth in subparagraph (E) of this paragraph."

"(92) The sale, use, consumption, or storage of materials, containers, labels, sacks, or bags used for packaging tangible personal property for shipment or sale. To qualify for the packaging exemption, the items shall be used solely for packaging and shall not be purchased for reuse. The packaging exemption shall not include materials purchased at a retail establishment for consumer use."

SECTION 3.

This Act shall become effective on July 1, 2012. The definitions of qualifying airport and qualifying airlines in subparagraph (C) of paragraph (33.1) of Code Section 48-8-3 in Section 2 of this Act shall only be applicable to local sales and uses taxes approved after July 1, 2012.

SECTION 4.

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