

1 HB399
2 129223-5
3 By Representatives McCutcheon, Hill, Morrow, Weaver, Ball,
4 Buttram, Johnson (K), Johnson (W), Patterson, Laird, Williams
5 (P), Faust, Baker, Shiver, Treadaway, Jones, Wallace, Beech
6 and Hammon
7 RFD: Transportation, Utilities and Infrastructure
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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To revise the motor fuel tax collection and enforcement system; to impose the tax upon the removal or withdrawal of motor fuel from the terminal using the terminal rack and not by bulk transfer, when the supplier would collect the tax from the entity ordering the removal or withdrawal; to impose the tax when motor fuel is imported into the state, other than by bulk transfer; to impose the tax on blended motor fuel at the point motor fuel is blended; would provide for the levy of the tax on certain products and provide for exemptions; would provide for licensing and fees, for returns, disposition of the proceeds of the tax, and penalties for violations; and in this connection would amend Sections 40-17-171, 40-17-174, 40-17-220, 40-17-221, and 40-17-223 of the Code of Alabama 1975, and repeal Sections 40-12-190, 40-12-191, 40-12-192, 40-12-193, 40-12-194, 40-12-195, 40-12-196, 40-12-197, 40-12-198, 40-12-199, 40-12-200, 40-12-201, 40-12-202, 40-12-204, 40-12-205, 40-12-206, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-8, 40-17-9, 40-17-13, 40-17-14, 40-17-18, 40-17-19, 40-17-20, 40-17-22, 40-17-30, 40-17-31, 40-17-32, 40-17-33, 40-17-34, 40-17-35,

1 40-17-36, 40-17-37, 40-17-38, 40-17-39, 40-17-40, 40-17-43,
2 40-17-45, 40-17-49, 40-17-50, 40-17-51, 40-17-52, 40-17-70,
3 40-17-71, 40-17-72, 40-17-73, 40-17-74, 40-17-74.1, 40-17-75,
4 40-17-76, 40-17-77, 40-17-78, 40-17-79, 40-17-80, 40-17-81,
5 40-17-82, 40-17-120, 40-17-121, 40-17-122, 40-17-124,
6 40-17-125, 40-17-200, 40-17-201, 40-17-203, 40-17-222,
7 40-17-240, 40-17-250, 40-17-290, 40-17-291, 40-17-300,
8 40-17-301, 40-17-302, 40-17-303, 40-17-304, 40-17-305,
9 40-17-306, 40-17-307, and 40-17-308, Code of Alabama 1975; and
10 in connection therewith would have as its purpose or effect
11 the requirement of a new or increased expenditure of local
12 funds within the meaning of Amendment 621 of the Constitution
13 of Alabama of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of Alabama of 1901,
15 as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall be known and may be cited
18 as the "Alabama Terminal Excise Tax Act."

19 Section 2. The intent of this act is to establish an
20 efficient, uniform, motor fuel tax collection and enforcement
21 system, to increase conformity and compatibility with federal
22 motor fuel laws, and to position the state to take advantage
23 of advances in highway enforcement systems and technology in
24 order to more effectively deter motor fuel tax evasion
25 emanating from sources within and without this state.

1 Section 3. As used in this act and unless the
2 context requires otherwise, the following terms have the
3 meaning ascribed herein:

4 (1) AIRCRAFT. Any airplane or helicopter.

5 (2) AVIATION FUEL. Aviation gasoline or aviation jet
6 fuel.

7 (3) AVIATION GASOLINE. Motor fuel designed for use
8 in the operation of aircraft other than jet aircraft, and sold
9 or used for that purpose.

10 (4) AVIATION JET FUEL. Motor fuel designed for use
11 in the operation of jet or turbo-prop aircraft and sold or
12 used for that purpose.

13 (5) BIODIESEL FUEL. Any motor fuel or mixture of
14 motor fuels that is derived, in whole or in part, from
15 agricultural products or animal fats, or the wastes of such
16 products or fats, and is advertised as, offered for sale as,
17 suitable for use or used as motor fuel in a diesel engine.

18 (6) BLENDED FUEL. A mixture composed of gasoline or
19 diesel fuel and any other liquid that can be used as a motor
20 fuel in a highway vehicle.

21 (7) BLENDER. A person who produces blended motor
22 fuel outside the bulk transfer/terminal system.

23 (8) BLENDING. The mixing of one or more petroleum
24 products, with or without another product, regardless of the
25 original character of the product blended, if the product
26 obtained by the blending is capable of use in the generation
27 of power for the propulsion of a motor vehicle, an airplane,

1 or a marine vessel. Blending does not include mixing that
2 occurs in the process of refining by a refiner of crude
3 petroleum and applicable feedstocks and blendstocks, or the
4 blending of products known as lubricating oil in the
5 production of lubricating oils and greases.

6 (9) BULK END USER. A person who receives into his or
7 her own storage facilities, in transport truck lots, taxable
8 motor fuel for his or her own consumption.

9 (10) BULK PLANT. A motor fuel storage and
10 distribution facility that is not a terminal and from which
11 motor fuel may be removed at a rack.

12 (11) BULK TRANSFER. Any transfer of motor fuel from
13 one location to another by pipeline tender or marine delivery
14 within a bulk transfer/terminal system, including, but not
15 limited to, the following:

16 a. The movement of motor fuel from a refinery or
17 terminal to a terminal by marine vessel or barge;

18 b. the movement of motor fuel from a refinery or
19 terminal to a terminal by pipeline;

20 c. the book or in-tank transfer of motor fuel within
21 a terminal between licensed suppliers prior to the completion
22 of removal across the rack; and

23 d. a two-party exchange between licensed suppliers
24 or between licensed suppliers and permissive suppliers.

25 (12) BULK TRANSFER/TERMINAL SYSTEM. The motor fuel
26 distribution system consisting of refineries, pipelines,
27 marine vessels, and terminals.

- 1 (13) CODE. The Code of Alabama 1975.
- 2 (14) COMMISSIONER. The Commissioner of the Alabama
3 Department of Revenue.
- 4 (15) DEPARTMENT. The Alabama Department of Revenue.
- 5 (16) DESTINATION STATE. The state, territory, or
6 foreign country to which motor fuel is directed for delivery.
- 7 (17) DIESEL FUEL. Any liquid that is advertised,
8 offered for sale, or sold for use as or used as a motor fuel
9 in a diesel-powered engine. Diesel fuel includes #1 and #2
10 fuel oils, kerosene, special fuels, and blended fuels which
11 contain diesel fuel, but shall not include gasoline or
12 aviation fuel.
- 13 (18) DISTRIBUTOR. A person who acquires motor fuel
14 from a supplier in this state for subsequent sale.
- 15 (19) DYED DIESEL FUEL. Diesel fuel that meets the
16 dyeing and marking requirements of Section 4082, Title 26 of
17 the United States Code.
- 18 (20) EXPORT. Motor fuel obtained in Alabama for sale
19 or other distribution in another state, territory, or foreign
20 country.
- 21 (21) EXPORTER. A person who exports motor fuel.
- 22 (22) GASOHOL. A blended motor fuel composed of
23 gasoline and motor fuel grade alcohol.
- 24 (23) GASOLINE. Any product commonly or commercially
25 known as gasoline, regardless of classification, that is
26 advertised, offered for sale, or sold for use as or used as
27 motor fuel in an internal combustion engine, including gasohol

1 and blended fuel which contains gasoline. Gasoline also
2 includes gasoline blendstocks as defined under Section 4081,
3 Title 26 of the United States Code and the regulations
4 promulgated thereunder. Gasoline does not include special fuel
5 or aviation gasoline sold to a licensed aviation fuel
6 purchaser for use in an aircraft motor.

7 (24) GROSS GALLONS. The total measured product,
8 exclusive of any temperature or pressure adjustments,
9 considerations, or deductions, in U.S. gallons.

10 (25) HIGHWAY. Includes, but is not limited to, every
11 highway, road, street, alley, lane, court, place, trail,
12 drive, bridge, viaduct, or trestle located within this state
13 and laid out or erected by the public or dedicated or
14 abandoned to the public or intended for use by or for the
15 public. The term shall also apply to and include driveways
16 upon the grounds of universities, colleges, schools, and
17 institutions but shall not be deemed to include private
18 driveways, private roads, or private places not intended for
19 use by the public.

20 (26) HIGHWAY VEHICLE. Any self-propelled vehicle
21 that is designed for use on a highway.

22 (27) IMPORT. To bring motor fuel into this state for
23 sale, use, or storage by any means of conveyance other than in
24 the fuel supply tank of a motor vehicle. Motor fuel delivered
25 into this state from out-of-state by or for the seller
26 constitutes an import by the seller. Motor fuel delivered into

1 this state from out-of-state by or for the purchaser
2 constitutes an import by the purchaser.

3 (28) IMPORT VERIFICATION NUMBER. The number assigned
4 by the department or its designee to an individual delivery of
5 motor fuel by a transport truck or by another means of
6 transfer outside the terminal transfer system.

7 (29) IMPORTER. A person who imports motor fuel into
8 this state.

9 (30) IN THIS STATE. The area within the borders of
10 Alabama, including all territory within the borders of Alabama
11 that is owned by the United States of America.

12 (31) LICENSEE. Any person licensed by the department
13 pursuant to Section 13 of this act.

14 (32) LIQUID. Any substance that is liquid above its
15 freezing point and at atmospheric pressure.

16 (33) MOTOR FUEL. Gasoline, blended fuel, aviation
17 fuel, and diesel fuel.

18 (34) MOTOR FUEL TRANSPORTER. A person who transports
19 motor fuel by pipeline or marine vessel, or outside the bulk
20 transfer/terminal system by means of a transport vehicle, or a
21 railroad tank car.

22 (35) MOTOR VEHICLE. Automobiles, motor carriers,
23 motor trucks, motorcycles, and all other vehicles which are
24 operated or propelled by combustion of motor fuel.

25 (36) NET GALLONS. The amount of motor fuel measured
26 in gallons when adjusted to a temperature of 60 degrees

1 Fahrenheit and a pressure of fourteen and seven-tenths pounds
2 pressure per square inch.

3 (37) PERMISSIVE SUPPLIER. An out-of-state supplier
4 that elects, but is not required, to have a supplier's
5 license.

6 (38) PERSON. Any individual, firm, cooperative,
7 association, corporation, limited liability corporation,
8 trust, business trust, syndicate, partnership, limited
9 liability partnership, joint venture, receiver, trustee in
10 bankruptcy, club, society, or other group or combination
11 acting as a unit. Any public body, including, but not limited
12 to, this state, any other state, and any agency, commissioner,
13 institution, political subdivision, or instrumentality of this
14 state or any other state shall be considered a person for the
15 purposes of this act.

16 (39) POSITION HOLDER. The person who holds the motor
17 fuel inventory position in a terminal, as reflected on the
18 records of the terminal operator, including a terminal
19 operator who owns motor fuel in the terminal. A person holds
20 the inventory position in motor fuel when that person has a
21 contract with the terminal operator for the use of storage
22 facilities and terminaling services for motor fuel at the
23 terminal.

24 (40) RACK. A mechanism for delivering motor fuel
25 from a refinery, terminal, marine vessel, or bulk plant into a
26 transport vehicle, railroad tank car, or other means of
27 transfer that is outside the bulk transfer/terminal system.

1 (41) REFINER. Any person who owns, operates, or
2 otherwise controls a refinery.

3 (42) REFINERY. A facility, other than natural gas
4 processing or fractionation plants, used to produce taxable
5 motor fuel from crude oil, unfinished oils, natural gas
6 liquids, or other hydrocarbons and from which taxable motor
7 fuel may be removed by pipeline, by vessel, or at a rack.

8 (43) REMOVAL. Physical transfer other than by
9 evaporation, loss, or destruction. A physical transfer to a
10 transport vehicle or other means of conveyance outside the
11 bulk transfer/terminal system is complete upon delivery into
12 the means of conveyance.

13 (44) RETAILER. A person other than a wholesale
14 distributor that engages in the business of selling or
15 distributing taxable motor fuel to the end user within this
16 state.

17 (45) SHIPPING DOCUMENT. Any invoice, shipping paper,
18 bill of lading, or drop ticket which discloses the destination
19 state.

20 (46) SPECIAL FUEL. Any gas or liquid, other than
21 gasoline, used or suitable for use as motor fuel in an
22 internal combustion engine or motor to propel any form of
23 vehicle, machine, or mechanical contrivance, and includes
24 products commonly known as natural or casing-head gasoline,
25 biodiesel fuel, and transmix. Special fuel does not include
26 any petroleum product or chemical compound such as alcohol,

1 industrial solvent, or lubricant, unless blended in or sold
2 for use as motor fuel in an internal combustion engine.

3 (47) STATE. The State of Alabama.

4 (48) SUPPLIER. A person who is subject to the
5 general taxing jurisdiction of this state and registered under
6 Section 4101 of the Internal Revenue Code for transactions in
7 motor fuel in the bulk transfer/terminal distribution system
8 and who owns motor fuel in the bulk transfer/terminal system,
9 or a person who receives motor fuel in this state pursuant to
10 a two-party exchange. A terminal operator shall not be
11 considered a supplier based solely on the fact that the
12 terminal operator handles motor fuel consigned to it within a
13 terminal.

14 (49) TERMINAL. A motor fuel storage and distribution
15 facility into which motor fuel is supplied by pipeline or
16 marine vessel, and from which motor fuel may be removed at a
17 rack.

18 (50) TERMINAL OPERATOR. A person who owns, operates,
19 or otherwise controls a terminal.

20 (51) TRANSMIX. A mixture of finished fuels that no
21 longer meets the specifications for a fuel that can be used or
22 sold without further processing.

23 (52) TRANSPORT VEHICLE. A vehicle designed or used
24 to carry motor fuel over the highway, including, but not
25 limited to, a straight truck, a straight truck/trailer
26 combination, and a semitrailer combination rig.

1 (53) TRUSTEE. A person who is licensed as a supplier
2 or a permissive supplier and receives tax payments from and on
3 behalf of another pursuant to Section 25 of this act.

4 (54) TWO-PARTY EXCHANGE. A transaction in which
5 motor fuel is transferred from one licensed supplier or
6 permissive supplier to another licensed supplier or permissive
7 supplier pursuant to an exchange agreement; and

8 a. includes a transfer from the person who holds the
9 inventory position in taxable motor fuel in the terminal as
10 reflected on the records of the terminal operator;

11 b. is completed prior to removal of the product from
12 the terminal by the receiving exchange partner; and

13 c. is recorded on the terminal operator's books and
14 records with the receiving exchange partner as the supplier
15 that removes the motor fuel across the terminal rack for
16 purposes of reporting the transaction to this state.

17 (55) UNDYED DIESEL FUEL. Diesel fuel that has not
18 been dyed in accordance with Internal Revenue Service fuel
19 dyeing provisions.

20 Section 4. The commissioner may promulgate rules
21 necessary to effectuate the reporting, collection,
22 administration, and enforcement of the taxes imposed under
23 this act. The commissioner shall prescribe the forms or format
24 for reporting the information required herein.

25 Section 5. The department, upon request from the
26 officials to whom are entrusted the enforcement of the motor
27 fuel laws of any other state, may forward to such officials

1 any information which it may have in its possession relative
2 to the manufacture, receipt, sale, use, transportation, or
3 shipment by any person of motor fuel, subject to the
4 provisions of Section 40-2A-10, Code of Alabama 1975.

5 Section 6. (a) Subject to the exemptions provided
6 for in this act, the tax is imposed on net gallons of motor
7 fuel according to Section 7 at the following rates:

8 (1) Sixteen cents per gallon on gasoline, which is
9 comprised of a \$.07 excise tax, a supplemental \$.05 excise
10 tax, and an additional \$.04 excise tax.

11 (2) Nineteen cents per gallon on diesel fuel,
12 comprised of a \$.13 excise tax and an additional \$.06 excise
13 tax.

14 (3) Nine and one-half cents per gallon (\$.095) on
15 aviation gasoline and three and one-half cents per gallon
16 (\$.035) on aviation jet fuel when ~~either~~ the aviation fuel is
17 sold to a licensed aviation fuel purchaser. Aviation gasoline
18 is to be taxed as gasoline and aviation jet fuel is to be
19 taxed as diesel fuel when not sold to a licensed aviation fuel
20 purchaser.

21 (b) The motor fuel subject to the excise tax levied
22 by this section shall not be subject to any other excise tax
23 levied by this state.

24 However, the payment of the motor fuel excise tax
25 levied by this section shall not exempt the seller or importer
26 of fuel from the license fees levied by Section 40-17-174.

1 Section 7. (a) A tax is imposed on the removal
2 within this state of motor fuel from the terminal using the
3 terminal rack, other than by bulk transfer. The supplier shall
4 collect the tax imposed by this act from the person who orders
5 the withdrawal at the terminal rack.

6 (b) Subject to the provisions of Section 21 of this
7 act, a tax is imposed at the time motor fuel is imported into
8 this state, other than by a bulk transfer, for delivery to a
9 destination in this state. The supplier or permissive supplier
10 shall collect the tax imposed by this act from the person who
11 imports the motor fuel into this state. If the seller is not a
12 supplier or permissive supplier, then the person who imports
13 the motor fuel into this state shall pay the tax.

14 (c) A tax is imposed on the sale or transfer of
15 motor fuel in the bulk transfer/terminal system in this state
16 by a supplier to a person who is not registered under Section
17 4101 of the Internal Revenue Code for transactions in motor
18 fuel in the bulk transfer/terminal distribution system. The
19 supplier shall collect the tax imposed by this act from the
20 person who orders the sale or transfer in the bulk
21 transfer/terminal system.

22 (d) A tax is imposed on the blending of motor fuel
23 at the point blended fuel is made in this state outside the
24 bulk transfer/terminal system. The blender shall pay the tax.
25 The rate of tax owed will be at the rate applicable for
26 gasoline or diesel fuel and will depend on which of these two
27 fuels is used in the blending. The number of gallons of

1 blended fuel on which the tax is imposed is equal to the
2 difference between the number of gallons of blended fuel made
3 and the number of gallons of previously taxed motor fuel used
4 to make the blended fuel.

5 (e) A terminal operator in this state is considered
6 a supplier for the purpose of the tax imposed under this act
7 unless at the time of removal both of the following occur:

8 (1) The terminal operator has a terminal operator's
9 license issued by the department for the facility from which
10 the motor fuel is withdrawn.

11 (2) The terminal operator verifies that the person
12 who removes the motor fuel has a supplier's license.

13 (f) In each subsequent sale of motor fuel on which
14 the tax has been paid, the amount of the tax shall be added to
15 the selling price so that the tax is paid ultimately by the
16 person using or consuming the motor fuel. Motor fuel is
17 considered to be used when it is delivered into a fuel supply
18 tank.

19 (g) Motor fuel in a refinery, a pipeline, a
20 terminal, or a marine vessel transporting motor fuel to a
21 refinery or terminal is in the bulk transfer/terminal system.
22 Motor fuel in a motor fuel storage facility including, but not
23 limited to, a bulk plant that is not part of a refinery or
24 terminal, in the motor fuel supply tank of any engine or motor
25 vehicle, or in any tank car, rail car, trailer, truck, or
26 other equipment suitable for ground transportation is not in
27 the bulk transfer/terminal system.

1 Section 8. (a) There is hereby annually levied a tax
2 at the rates specified by Section 6 on taxable unaccounted for
3 motor fuel losses at a terminal in this state. For the
4 purposes of this section, taxable unaccounted for motor fuel
5 losses shall mean the number of net gallons of unaccounted for
6 motor fuel losses that exceed one half of one percent of the
7 number of net gallons removed from the terminal during the
8 year by a bulk transfer or at the terminal rack. Unaccounted
9 for motor fuel losses means the difference between: (1) The
10 amount of motor fuel in inventory at the terminal at the
11 beginning of the calendar year plus the amount of motor fuel
12 received by the terminal during the year; and (2) the amount
13 of motor fuel in inventory at the terminal at the end of the
14 calendar year plus the amount of motor fuel removed from the
15 terminal during the year. Accounted for motor fuel losses
16 which have been approved by the department or motor fuel
17 losses constituting part of a transmix shall not constitute
18 unaccounted for motor fuel losses.

19 (b) The terminal operator is liable for the tax
20 levied by this section on unaccounted gallons. Motor fuel
21 received by a terminal operator and not shown on an
22 informational report filed by the terminal operator with the
23 department as having been removed from the terminal is
24 presumed to be unaccounted for motor fuel losses. A terminal
25 operator may rebut this presumption by establishing that motor
26 fuel received at a terminal, but not shown on an informational

1 report as having been removed from the terminal, was an
2 accounted for loss or constitutes part of a transmix.

3 Section 9. (a) The tax levied pursuant to Section 6
4 is levied on all of the following:

5 (1) Dyed diesel fuel that is used to operate a
6 highway vehicle other than dyed diesel fuel used in city and
7 county vehicles.

8 (2) Motor fuel that is used to operate a highway
9 vehicle after an application for a refund of tax paid on the
10 motor fuel is made or allowed on the basis that the motor fuel
11 was used for an off-highway purpose.

12 (3) Aviation gasoline on which a tax was imposed
13 under subdivision (3) of subsection (a) of Section 6 that is
14 used other than for fuel in an aircraft is subject to the tax
15 rate imposed under subdivision (1) of subsection (a) of
16 Section 6.

17 (4) Aviation jet fuel on which a tax was imposed
18 under subdivision (3) of subsection (a) of Section 6 that is
19 used other than for fuel in an aircraft is subject to the tax
20 rate imposed under subdivision (2) of subsection (a) of
21 Section 6.

22 (b) The operator of a highway vehicle that uses
23 untaxed or refunded motor fuel that is taxable under
24 subdivisions (1) and (2) of subsection (a) of this section is
25 liable for the tax. If the highway vehicle that uses the motor
26 fuel is owned by or leased to a motor carrier, the operator of
27 the highway vehicle and the motor carrier are jointly and

1 severally liable for the tax. If the ultimate vendor of motor
2 fuel taxable under this section knew or had reason to know
3 that the motor fuel would be used for a purpose that is
4 taxable under this section, the operator of the highway
5 vehicle and the end seller are jointly and severally liable
6 for the tax.

7 (c) The licensed aviation fuel dealer selling the
8 aviation gasoline or aviation jet fuel that is not used in an
9 aircraft is liable for the tax owed under subdivisions (3) and
10 (4) of subsection (a) of this section.

11 (d) The tax liability levied by this section is in
12 addition to any other penalty imposed pursuant to this act.

13 Section 10. (a) Unless otherwise provided for in
14 this subsection, sales of motor fuel to the following are
15 exempt from the tax levied by subsection (a) of Section 6 and
16 shall not be paid at the rack:

17 (1) All motor fuel exported from this state for
18 which proof of export is available in the form of a terminal
19 issued destination state shipping document that is a. exported
20 by a supplier who is licensed in the destination state or b.
21 is sold by a supplier to a licensed exporter for immediate
22 export to a state for which the applicable destination state
23 motor fuel excise tax has been collected by the supplier who
24 is licensed to remit the tax to the destination state. This
25 exemption shall not apply to any motor fuel which is
26 transported and delivered outside this state in the motor fuel
27 supply tank of a highway vehicle.

1 (2) All sales of dyed diesel fuel.

2 (3) Gasoline blendstocks when sold to a. a licensed
3 supplier or b. a person who will not be using the blendstocks
4 in the manufacture of gasoline or as a motor fuel, as
5 evidenced by the exemption certificate prescribed under
6 regulations promulgated under Section 4081, Title 26 of the
7 United States Code.

8 (4) All motor fuel sold by a licensed supplier or
9 licensed permissive supplier to an exempt agency electing to
10 be licensed under Section 13.

11 (5) Motor fuel that is delivered by a licensed
12 supplier from one terminal to another terminal when ownership
13 in the motor fuel has not changed, or by a licensed supplier
14 from a terminal to a refinery operated by the licensed
15 supplier.

16 (6) Aviation jet fuel sold by a licensed supplier to
17 an air carrier that purchases jet fuel in a Foreign Trade Zone
18 located within this state and uses the jet fuel to propel
19 aircraft powered by jet or turbine engines operated in
20 scheduled all-cargo operations being conducted on
21 international flights or in international commerce. For the
22 purposes of this subdivision, the following words or terms
23 shall be defined and interpreted as follows:

24 a. Air carrier. Any person, firm, corporation, or
25 entity undertaking by any means, directly or indirectly, to
26 provide air transportation.

1 b. All-cargo operations. Any flight conducted by an
2 air carrier for compensation or hire other than a passenger
3 carrying flight, except passengers as specified in Sections
4 121.583 (a) or 135.85 of the Federal Aviation Regulations, as
5 amended.

6 c. International flights. Any air carrier conducting
7 scheduled all-cargo operations between any point within the 50
8 states of the United States and the District of Columbia and
9 any point outside the 50 states of the United States and the
10 District of Columbia, including any interim stops within the
11 United States so long as the ultimate origin or destination of
12 the aircraft is outside the United States and the District of
13 Columbia.

14 d. International commerce. Any air carrier engaged
15 in all-cargo operations transporting goods for compensation or
16 hire on international flights.

17 (b) Having first paid the tax owed under this act, a
18 licensed distributor shall have the right to apply to the
19 department on a monthly basis for a refund of the taxes paid
20 on the gallons sold by that licensed distributor to the exempt
21 agencies listed under subsection (d) of this section, provided
22 the exempt agency has elected to obtain a license under
23 Section 13.

24 (c) Having first paid the tax owed under this act,
25 an exporter shall have the right to apply to the department on
26 a monthly basis for a refund of the taxes paid to this state
27 on the gallons of motor fuel that are ultimately exported by

1 the exporter. The department will require the exporter to
2 provide proof of payment of the applicable destination state
3 excise taxes before issuing a refund.

4 (d) Having first paid the tax owed under this act, a
5 licensed aviation fuel purchaser shall have the right to apply
6 to the department on a monthly basis for a refund of the taxes
7 paid to this state on the gallons of jet fuel sold to an air
8 carrier that purchases jet fuel in a foreign trade zone
9 located within this state and uses the jet fuel to propel
10 aircraft powered by jet or turbine engines operated in
11 scheduled all-cargo operations being conducted on
12 international flights or in international commerce. For the
13 purposes of this subdivision, the following words or terms
14 shall be defined and interpreted as follows:

15 a. Air carrier. Any person, firm, corporation, or
16 entity undertaking by any means, directly or indirectly, to
17 provide air transportation.

18 b. All-cargo operations. Any flight conducted by an
19 air carrier for compensation or hire other than a passenger
20 carrying flight, except passengers as specified in Sections
21 121.583 (a) or 135.85 of the Federal Aviation Regulations, as
22 amended.

23 c. International flights. Any air carrier conducting
24 scheduled all-cargo operations between any point within the 50
25 states of the United States and the District of Columbia and
26 any point outside the 50 states of the United States and the
27 District of Columbia, including any interim stops within the

1 United States so long as the ultimate origin or destination of
2 the aircraft is outside the United States and the District of
3 Columbia.

4 d. International commerce. Any air carrier engaged
5 in all-cargo operations transporting goods for compensation or
6 hire on international flights.

7 (e) Having first paid the tax to its vendor, the
8 following entities shall have the right to apply to the
9 department for a refund on a quarterly basis for any purchases
10 of motor fuel:

11 (1) The United States government or any agency
12 thereof.

13 (2) Any county governing body of this state.

14 (3) Any incorporated municipal governing body of
15 this state.

16 (4) City and county boards of education of this
17 state.

18 (5) The Alabama Institute for Deaf and Blind, the
19 Department of Youth Services school district, and private and
20 church school systems as defined in Section 16-28-1, Code of
21 Alabama 1975, and which offer essentially the same curriculum
22 as offered in grades K-12 in the public schools of this state.

23 (f) If the sale of taxable motor fuel to exempt
24 entities listed in subsection (e) occurs at a fixed retail
25 pump available to the general public and is charged to a
26 credit card issued to the exempt entity, the issuer of the
27 card, having billed the exempt entity without the tax, may

1 apply on a quarterly basis for a refund of the motor fuel
2 excise taxes by submitting the application and supporting
3 documentation as prescribed by the department.

4 (g) Having first paid the tax, the following
5 entities shall have the right to apply to the department for a
6 refund on a quarterly basis for any purchases of jet fuel used
7 to propel aircraft:

8 (1) A licensed air carrier with a hub operation
9 within this state. For the purposes of this subdivision, the
10 words "hub operation within this state" shall be construed to
11 have all of the following criteria:

12 a. There originates from the location 15 or more
13 flight departures and five or more different first-stop
14 destinations five days per week for six or more months during
15 the calendar year; and

16 b. Passengers and/or property are regularly
17 exchanged at the location between flights of the same or a
18 different certificated or licensed air carrier.

19 (h) End users who first pay the tax levied by
20 subdivision (2) of subsection (a) of Section 6 on all gallons
21 of diesel fuel used in designated off-road vehicles, other
22 off-road equipment, or for other off-road use may apply to the
23 department for a refund on a quarterly basis.

24 (i) End users who first pay the tax levied by
25 subdivision (1) of subsection (a) of Section 6 on gallons of
26 gasoline blendstocks not used in the manufacture of gasoline

1 or as a motor fuel may apply to the department for a refund on
2 a quarterly basis.

3 (j) Tax paid on motor fuel that (1) is lost or
4 destroyed as a direct result of a sudden and unexpected
5 casualty, or (2) becomes unsalable or unusable as highway fuel
6 due to such things as the contamination by dye or mixture of
7 gasoline and diesel shall be refundable.

8 (k) Tax paid on transmix not used as a motor fuel or
9 that is delivered to a refinery for further processing shall
10 be refundable, with the person so using the transmix being
11 eligible to file for the refund on a quarterly basis.

12 (l) Tax paid on motor fuel within the bulk transfer
13 system may be refunded upon sufficient proof that (1) a second
14 tax had been paid pursuant to Section 6 or (2) the fuel was
15 exported to another state or country. The party paying the
16 second tax or exporting the fuel may file for a refund on a
17 monthly basis.

18 Section 11. (a) Any person entitled to a refund
19 pursuant to subsection (b), (c), (d), (e), (g), or (h) of Section
20 10 within two years of the date that the motor fuel was
21 purchased shall present to the department a petition
22 accompanied by the original or duplicate original sales slip,
23 invoice, or any other documentation approved by the department
24 showing the gallons of motor fuel purchased and the taxes
25 paid. The petition shall be in a format prescribed by the
26 commissioner, shall be accompanied by supporting records, and
27 sworn to by the applicant under the penalty of perjury.

1 (b) The licensed distributor filing a refund claim
2 pursuant to Section 10(b) shall be eligible for an
3 administrative allowance of two cents (\$.02) on each gallon
4 covered by the claim.

5 (c) The right to receive any refund under the
6 provisions of this section is not assignable and any
7 assignment thereof is void and of no effect.

8 (d) Any applicant for a refund who willfully files
9 an inaccurate petition or false claim for a refund shall be
10 subject to a penalty of 100 percent of the refund claimed,
11 along with interest assessed according to the provisions of
12 Section 40-1-44, Code of Alabama 1975.

13 (e) The department may make any investigation or
14 audit any records considered necessary before refunding to a
15 person the tax levied by Section 6.

16 (f) Persons filing refund petitions in accordance
17 with subsection (e) of Section 10 shall accurately maintain
18 adequate records as required under regulations promulgated by
19 the department in accordance with the provisions of Chapter 22
20 of Title 41, Code of Alabama 1975.

21 (g) Whenever it is determined to the satisfaction of
22 the department that any person is entitled to a refund for
23 taxes paid pursuant to this act, the commissioner shall
24 certify the amount of the refund.

25 Section 12. (a) There is hereby imposed a
26 floor-stocks tax on motor fuel held in inventory outside of
27 the bulk transfer/terminal system on October 1, 2012, if:

1 (1) No tax was imposed on the motor fuel under
2 Sections 40-17-2, 40-17-31, and 40-17-220, Code of Alabama
3 1975, as of September 30, 2012; and

4 (2) The tax would have been imposed on the motor
5 fuel by this act had it been in effect for the periods prior
6 to its effective date.

7 (b) The rate of the tax imposed by this section
8 shall be the amount of tax imposed under Sections 40-17-2,
9 40-17-31, and 40-17-220, Code of Alabama 1975, on September
10 30, 2012.

11 (c) Any person owning motor fuel on October 1, 2012,
12 to which the tax imposed by this section applies, shall be
13 liable for the tax. The tax imposed by this section shall be
14 paid on or before December 31, 2012, and shall be paid in the
15 manner prescribed by the department.

16 Section 13. (a) Each person engaged in business in
17 this state as a supplier shall first obtain a supplier's
18 license. The fee for a supplier's license is two hundred
19 dollars (\$200). A supplier engaged in business in this state
20 will be deemed a permissive supplier with respect to its
21 transactions outside of this state and will have all of the
22 responsibilities and obligations applicable to a permissive
23 supplier as covered in this act.

24 (b) A person who elects to collect the tax imposed
25 by this act as a supplier and who meets the definition of a
26 permissive supplier may obtain a permissive supplier's
27 license. Application for or possession of a permissive

1 supplier's license does not in itself subject the applicant or
2 licensee to the jurisdiction of this state for a purpose other
3 than administration and enforcement of this act.

4 (c) Each terminal operator other than a supplier
5 licensed under subsection (a) engaged in business in this
6 state as a terminal operator shall first obtain a terminal
7 operator's license for each terminal site.

8 (d) The state shall require any exporter, other than
9 a licensed supplier, who exports products to another state to
10 first obtain an exporter's license prior to any exports. The
11 fee for an exporter's license is one hundred dollars (\$100).

12 (e) Each person who is not licensed as a supplier
13 shall obtain a transporter's license before transporting
14 taxable motor fuel by whatever manner whether the person is
15 engaged for hire in interstate commerce or for hire in
16 intrastate commerce. The fee for a transporter's license is
17 fifty dollars (\$50).

18 (f) Each person other than a licensed supplier who
19 wishes to cause motor fuel to be delivered into this state on
20 his or her behalf, for his or her own account, or for resale
21 to a purchaser in this state from another state in a fuel
22 transport truck or railcar shall apply and obtain an
23 importer's license. The fee for an importer's license is one
24 hundred dollars (\$100).

25 (g) Each person other than a licensed supplier who
26 is required to pay the tax imposed by subsection (d) of
27 Section 7 shall obtain a blender's license.

1 (h) Each person other than a licensed supplier who
2 purchases taxable motor fuel for resale within this state from
3 a licensed terminal supplier shall first obtain a
4 distributor's license which is operative for all locations
5 controlled or operated by that licensee in this state or in
6 any other state from which the person removes fuel for
7 delivery and use in Alabama. The fee for a distributor's
8 license is fifty dollars (\$50).

9 (i) Each person, other than a licensed supplier, who
10 desires to purchase aviation fuel at the rate of tax specified
11 under subdivision (3) of subsection (a) of Section 6 must
12 first obtain an aviation fuel purchaser license. The fee for
13 an aviation fuel dealer/consumer license is two hundred
14 dollars (\$200).

15 (j) The United States government or any agency
16 thereof, any county governing body of this state, any
17 incorporated municipal governing body of this state, city and
18 county boards of education of this state, the Alabama
19 Institute for Deaf and Blind and the Department of Youth
20 Services school district, and private and church school
21 systems as defined in Section 16-28-1, Code of Alabama 1975,
22 and which offer essentially the same curriculum as offered in
23 grades K-12 in the public schools of this state may apply for
24 a license to purchase motor fuel on a tax exempt basis. The
25 exempt agency will be responsible for supplying to its motor
26 fuel vendor a copy of the license as issued by the department
27 in support of its tax exempt status.

1 (k) Any person, other than one who possesses a valid
2 Alabama supplier's license, engaged in more than one activity
3 for which a license is required shall obtain a separate
4 license for each activity.

5 (1) All fees collected under this section, except
6 those refunded, shall be paid into the State Treasury to the
7 credit of the State Public Road and Bridge Fund.

8 Section 14. Each application for a license under
9 this act must be made upon a form prescribed by the
10 commissioner and furnished by the department.

11 Section 15. (a) A person may elect to obtain a
12 permissive supplier license to collect the tax levied by
13 Section 6 for motor fuel that is removed at a terminal in
14 another state and has Alabama as the destination state.

15 (b) A licensed permissive supplier removing motor
16 fuel at a terminal located in another state with Alabama as
17 its destination state shall do all of the following:

18 (1) Collect the tax due this state on the motor
19 fuel.

20 (2) Waive any defense that this state lacks
21 jurisdiction to require the supplier to collect the tax due
22 this state on the motor fuel under this act.

23 (3) Report and pay the tax due on the motor fuel in
24 the same manner as if the removal had occurred at a terminal
25 located in Alabama.

1 (4) Keep records of the removal of the motor fuel
2 and submit to audits concerning the motor fuel as if the
3 removal had occurred at a terminal located in Alabama.

4 (c) A licensed permissive supplier acknowledges that
5 this state imposes the requirements listed in subsection (b)
6 under its general police power and submits to the jurisdiction
7 of this state for purposes related to the administration of
8 this act.

9 Section 16. (a) If the application is approved by
10 the commissioner, the applicant shall file with the department
11 a bond in the approximate sum of twice the average monthly
12 excise tax estimated by the commissioner; provided, that in no
13 case shall the bond be less than one thousand dollars (\$1,000)
14 or more than twenty-five thousand dollars (\$25,000), except as
15 otherwise provided in this section. The bond shall be in such
16 form and amount as may be approved by the commissioner, shall
17 be executed by a surety company licensed and duly authorized
18 to do business in Alabama, shall be payable to the State of
19 Alabama and shall be conditioned upon the prompt filing of
20 true reports, the payment by the applicant to the department
21 of any and all excise taxes accrued or accruing on the sale,
22 distribution, or withdrawal from storage of gasoline which may
23 now or may hereafter be levied or imposed by the State of
24 Alabama, together with all penalties and interest thereon and
25 generally upon faithful compliance with the provisions of this
26 act. In lieu of a guaranty bond, the applicant may post
27 Alabama state coupon bonds or United States government coupon

1 bonds, under such terms and rules as may be approved by the
2 Commissioner of the Department of Revenue.

3 (b) The commissioner may require an additional
4 surety bond from any licensee if: (1) the commissioner
5 determines that the surety on an existing bond is
6 unsatisfactory; (2) a surety notifies the department that it
7 intends to cancel a bond as provided in subsection (d); or (3)
8 the commissioner, after reviewing the financial condition of
9 the licensee, determines that the existing bond of the
10 licensee is insufficient in an amount to insure the prompt
11 payment of all excise taxes that are due or may become due the
12 state by the licensee upon the sale or withdrawal of motor
13 fuel. However, in no case shall a new or additional bond be
14 more than two months of average excise tax owed by the
15 licensee.

16 (c) The department shall notify a licensee at his or
17 her last known address by first class U.S. mail or, at the
18 option of the department, certified mail, return receipt
19 requested, that it is requiring such new or additional bond
20 for any reason as provided above, and the licensee, within 30
21 days from the date such notice is mailed by the department,
22 shall either (1) file the new or additional bond as requested
23 by the department, or (2) file a notice of appeal with the
24 Administrative Law Division as allowed in Chapter 2A of Title
25 40, Code of Alabama 1975. The department may immediately
26 cancel the licensee's license upon the expiration of the
27 30-day period set out above if the licensee fails to either

1 provide the new or additional bond requested by the department
2 or timely appeal to the Administrative Law Division.

3 (d) Any surety on an existing bond furnished by a
4 licensee may notify the department in writing of its intent to
5 cancel the bond. The department shall immediately notify the
6 licensee of the intent of the surety to cancel and the
7 licensee shall have 30 days from the date the notice is mailed
8 by the department to provide a sufficient replacement bond as
9 requested by the department. The department may immediately
10 cancel the licensee's license upon expiration of the 30-day
11 period set out above if the licensee fails to either provide a
12 new replacement bond as requested by the department or appeal
13 the proposed revocation to the Administrative Law Division
14 within the 30 days as allowed by Chapter 2A of Title 40, Code
15 of Alabama 1975. The surety requesting to be released shall
16 remain liable for any liability already accrued or which shall
17 accrue during the 30-day period set out above, but shall not
18 be responsible for any liability which accrues after the
19 30-day period.

20 Section 17. (a) The department may refuse to issue a
21 license under this act if the applicant or any principal of
22 the applicant has done any of the following:

23 (1) Had a license or registration issued under prior
24 law or this act canceled by the department for cause.

25 (2) Had a motor fuel license or registration issued
26 by another state canceled for cause.

1 (3) Had a federal certificate of registry issued
2 under Section 4101 of the Internal Revenue Code, or a similar
3 federal authorization, revoked.

4 (4) Been convicted of any offense involving fraud or
5 misrepresentation.

6 (5) Been convicted of any other offense that
7 indicates that the applicant may not comply with this act if
8 issued a license.

9 (b) The department may also refuse to issue a
10 license if the applicant is in arrears to the state for any
11 taxes or for other good cause shown.

12 (c) Any refusal by the department under this section
13 to issue a license may be appealed to the administrative law
14 division under the provisions of Chapter 2A of Title 40.

15 Section 18. Upon approval of the bond required, the
16 department shall issue to the applicant the appropriate
17 license or licenses. The license is not transferable and
18 remains in effect until surrendered or canceled.

19 Section 19. (a) A licensee who discontinues in its
20 entirety the business for which a license was authorized by
21 this act shall notify the department in writing at least 10
22 days prior to the time of the discontinuance, sale, or
23 transfer takes effect, and shall surrender the license to the
24 department. The notice shall state the effective date of the
25 discontinuance and, if the licensee has transferred the
26 business or otherwise relinquished control to another person
27 by sale or other means, the date of the sale or transfer and

1 the name and address of the person to whom the business is
2 transferred or relinquished. The notice shall also include any
3 other information required by the department.

4 (b) All taxes for which the licensee is liable under
5 this act but are not yet payable shall be due on the date of
6 the discontinuance. If the licensee has transferred the
7 business to another person and does not give the notice
8 required herein, the person to whom the business was
9 transferred is jointly and severally liable for the amount of
10 any tax owed by the licensee to this state on the date the
11 business was transferred. The liability of the person to whom
12 the business was transferred shall not exceed the value of the
13 property and business acquired from the licensee.

14 Section 20. (a) In accordance with the provisions of
15 Chapter 2A of Title 40, the department may cancel any license
16 required under Section 13, upon written notice sent to the
17 licensee's last known address, as it appears in the
18 department's files, for any of the following reasons:

19 (1) Filing by the licensee of a false report of the
20 data or information required by this act.

21 (2) Failure, refusal, or neglect of the licensee to
22 file a report or to provide any information required by this
23 act.

24 (3) Failure of the licensee to pay the full amount
25 of all excise taxes due or to pay any penalties or interest
26 due.

1 (4) Failure of the licensee to keep accurate records
2 of the quantities of motor fuel received, produced, refined,
3 manufactured, compounded, sold, or used in Alabama.

4 (5) Failure to file a new or additional cash deposit
5 or surety bond upon request of the department pursuant to
6 Section 16 of this act.

7 (6) Conviction of the licensee or a principal of the
8 licensee for any act prohibited under this act.

9 (7) Failure, refusal, or neglect of a licensee to
10 comply with any other provision of this act or any rule
11 promulgated pursuant to this act.

12 (8) Having a motor fuel license or registration
13 issued by another state canceled for cause.

14 (9) For any change in the ownership or control of
15 the business.

16 (b) Upon cancellation of any license for any cause
17 listed above, the tax levied under this act becomes due and
18 payable on all untaxed motor fuel held in storage or otherwise
19 in the possession of the licensee and all motor fuel sold,
20 delivered, or used prior to the cancellation on which the tax
21 has not been paid.

22 (c) The license can be cancelled upon the written
23 request of the licensee.

24 Section 21. (a) Each supplier, importer, blender,
25 permissive supplier, and exporter shall file the monthly
26 return required herein, in a format prescribed by the

1 commissioner, on or before the 22nd day of each calendar month
2 for the preceding month.

3 (b) Other than importers, the tax levied by this act
4 shall be paid to the department by each taxpayer on or before
5 the 22nd day of each calendar month for the preceding month
6 and shall be accompanied by any required returns. The
7 department may require all or certain taxpayers to file tax
8 returns and payments electronically.

9 (c) Importers importing motor fuel from a bulk plant
10 or some other non-terminal storage location shall pay the tax
11 levied by this act to the department on or before the 20th day
12 of each calendar month for the preceding month, and the
13 payment shall be accompanied by any required returns. The
14 department may require all or certain taxpayers to file tax
15 returns and payments electronically.

16 (d) Importers importing motor fuel acquired at an
17 out-of-state terminal from a supplier who has not precollected
18 the tax imposed under Section 6 at the time of such removal
19 shall pay the tax so levied to the department on or before the
20 3rd day following the day of importation, and the payment
21 shall be accompanied by any required returns.

22 (e) A supplier or permissive supplier who timely
23 files a return with the payment due may deduct from the amount
24 of tax payable with the return an administrative discount of
25 one half of one percent (.005) of the amount of tax payable to
26 the state.

1 Section 22. (a) Each distributor or importer shall
2 remit to the supplier or permissive supplier, as applicable,
3 the motor fuel tax levied by Section 6 due on motor fuel
4 removed at a terminal rack. At the election of a licensed
5 distributor or licensed importer, the supplier or permissive
6 supplier may not require the licensed distributor or licensed
7 importer to pay the tax levied by Section 6 earlier than one
8 business day before the date the supplier or permissive
9 supplier is required to pay the tax to this state. An election
10 under this subsection is subject to the condition that
11 remittances by the licensed distributor or licensed importer
12 of all tax due to the supplier or permissive supplier shall be
13 paid by electronic funds transfer. An election under this
14 subsection may be terminated by the supplier or permissive
15 supplier if the licensed distributor or licensed importer does
16 not make timely payments to the supplier or permissive
17 supplier as required by this subsection.

18 (b) A licensed exporter shall remit destination
19 state tax due on motor fuel removed at a terminal rack to the
20 supplier of the motor fuel. If the laws of the destination
21 state prohibit the collection of the destination state's tax,
22 the tax levied by Section 6 shall be collected.

23 (c) All tax payments received by a supplier or
24 permissive supplier shall be held in trust by the supplier or
25 permissive supplier until the supplier or permissive supplier
26 remits the tax payment to this state or to another state, and

1 the supplier or permissive supplier shall constitute the
2 trustee for the tax payments.

3 (d) A licensed distributor or importer that timely
4 pays the tax due a supplier or permissive supplier as required
5 in this section, may deduct from the amount otherwise due to
6 the supplier or permissive supplier a discount of four tenths
7 of one percent (.004) of the amount of tax payable. The
8 discount covers the expense of furnishing a bond and losses
9 due to shrinkage and evaporation. A supplier or permissive
10 supplier may not directly or indirectly deny the discount to a
11 licensed distributor or licensed importer that timely pays the
12 tax due the supplier or permissive supplier as required by
13 this section.

14 Section 23. Every return required to be filed under
15 this act shall be on forms and by means prescribed by the
16 commissioner and furnished by the department and shall contain
17 any information the department considers necessary for the
18 enforcement of this act.

19 Section 24. (a) The supplier or permissive supplier
20 may deduct from the next monthly return those tax payments
21 that were not remitted for the previous month to the supplier
22 or permissive supplier by any licensed distributor or any
23 licensed importer who removed motor fuel on which the tax is
24 due from the supplier's or permissive supplier's terminal. The
25 licensed supplier or permissive supplier is eligible to take
26 this deduction if the licensed supplier or permissive supplier
27 notifies the state within 20 business days after a return is

1 due of any licensed distributor, importer, or exporter who did
2 not pay to the supplier or permissive supplier the tax due
3 this state by the time the supplier or permissive supplier
4 filed the monthly return and if, when a licensed distributor
5 or licensed importer fails to remit the tax to the licensed
6 supplier or permissive supplier, the licensed supplier or
7 permissive supplier is not eligible to take the deduction for
8 any tax payments that accrue after the 20 business day period
9 referenced above for delinquent distributors or importers. The
10 notice shall be transmitted to the state in the form required
11 by the department. If a licensee later pays to a supplier or
12 permissive supplier the tax owed, but the payment occurs after
13 the supplier or permissive supplier has deducted the amount of
14 the tax on a return, the supplier or permissive supplier shall
15 remit the payment to the department with the next monthly
16 return filed subsequent to receipt of the tax.

17 (b) A supplier or permissive supplier who timely
18 files a return with the payment due may deduct, from the
19 amount of tax payable with the return, an administrative
20 discount of one tenth of one percent of the amount of tax
21 payable to this state, not to exceed two thousand dollars
22 (\$2,000) per month.

23 Section 25. (a) All tax payments due to this state
24 that are received by a supplier or permissive supplier shall
25 be held by the supplier or permissive supplier as trustee in
26 trust for this state, and the supplier or permissive supplier
27 has a fiduciary duty to remit to the department the amount of

1 tax received. A supplier or permissive supplier is liable for
2 the taxes paid to it.

3 (b) A supplier or permissive supplier of motor fuel
4 at a terminal shall notify the department within the time
5 period established by the department of any licensed
6 distributors, licensed exporters, or licensed importers who
7 did not pay the tax due when the supplier or permissive
8 supplier filed its return. The notice shall be transmitted in
9 the form required by the department.

10 Section 26. (a) Any importer bringing motor fuel
11 into this state in a transport truck, or by other means
12 outside the terminal transfer system, who has not acquired the
13 fuel from a supplier or permissive supplier who has
14 pre-collected the tax shall be required to obtain an import
15 verification number from the department or its designee prior
16 to the actual importation of that fuel.

17 (b) An importer who knowingly imports taxable motor
18 fuel in a transport truck in violation of the provisions of
19 this act, without either a valid importer's license or
20 supplier's license and either an import verification number or
21 a shipping paper showing on its face that the tax on the fuel
22 is not due shall be subject to a civil penalty of one thousand
23 dollars (\$1,000) for each occurrence, to be multiplied by the
24 sum of the current violation plus prior violations.

25 (c) When obtaining an import verification number an
26 importer is required to show that number on a shipping paper
27 or invoice associated with that specific load.

1 Section 27. (a) A person who is licensed as an
2 exporter shall file monthly returns with the department on
3 forms prescribed and furnished by the department concerning
4 the amount of taxable motor fuel exported from this state.

5 (b) The report must contain all of the following
6 information with respect to motor fuel other than diesel fuel
7 dyed in accordance with the Internal Revenue Code:

8 (1) All shipments of taxable motor fuel removed from
9 a terminal in this state as to which the tax imposed by this
10 act previously was paid or accrued for direct delivery outside
11 of this state by the exporter.

12 (2) All shipments of taxable motor fuel acquired
13 free of this state's motor fuel tax at a terminal in this
14 state for direct delivery outside of Alabama but as to which
15 the destination state's motor fuel tax was paid or accrued to
16 the supplier at the time of removal from the terminal.

17 (3) The gallons delivered to taxing jurisdictions
18 outside this state out of bulk plant storage and whether by
19 transport truck or tank wagon.

20 (4) The name and federal employer identification
21 number of the person receiving the exported taxable motor fuel
22 from the exporter.

23 (5) The date of the shipments.

24 (6) The carrier name and federal employee
25 identification number.

1 (c) The department in addition may require the
2 reporting of other information it considers reasonably
3 necessary to the enforcement of this act.

4 (d) The return shall serve as a claim for a refund
5 for tax paid to this state on exported motor fuel.

6 Section 28. (a) A terminal operator shall file with
7 the department a monthly informational report showing the
8 amount of motor fuel received and removed from the terminal
9 during the month. The report is due by the last day of the
10 month following the month covered by the report. The report
11 shall contain all of the following information and any other
12 information required by the department:

13 (1) The terminal code assigned by the Internal
14 Revenue Service.

15 (2) The beginning and ending inventory which
16 pertains to the applicable reporting month.

17 (3) The number of net gallons of motor fuel received
18 in inventory at the terminal during the month and each
19 position holder for the motor fuel.

20 (4) The number of net gallons of motor fuel removed
21 from inventory at the terminal during the month and, for each
22 removal, the position holder for the motor fuel and the
23 destination state of the motor fuel.

24 (5) The number of net gallons of motor fuel gained
25 or lost at the terminal during the month.

26 (b) Each person operating a terminal in this state
27 shall file an annual report for each terminal within this

1 state on forms provided by the department. The report must be
2 filed for each calendar year on or before January 31 of the
3 following year. This report must include all of the following
4 data:

5 (1) The net amount of monthly net gallons, gains or
6 losses.

7 (2) The total net gallons removed from the terminal
8 in bulk and across the rack during the calendar year and any
9 other information as the department considers reasonably
10 necessary to determine the tax liability of the terminal
11 operator under this article.

12 (3) The amount of tax due calculated pursuant to
13 Section 8.

14 Section 29. (a) A person licensed as a motor fuel
15 transporter in this state shall file a monthly informational
16 report with the department on forms prescribed and furnished
17 by the department concerning the amount of motor fuel received
18 or delivered for import or export by the motor fuel
19 transporter during the month.

20 (b) The report required by this section is due by
21 the last day of the month following the month covered by the
22 report.

23 (c) Any transporter failing to make the reports
24 required by this section shall be subject to a civil penalty
25 of one thousand dollars (\$1,000) for each violation, as
26 reasonably determined by the department.

1 Section 30. (a) Persons violating any provisions of
2 this act may be restrained from distributing, using, or
3 withdrawing from storage any taxable motor fuel, as herein
4 defined, and may be prosecuted in the name of the State of
5 Alabama by the Attorney General or, under his or her
6 direction, by a district attorney or, with the approval of the
7 Governor, an attorney employed by the Department of Revenue
8 until that person has complied with this act.

9 (b) It shall be unlawful for any person to sell for
10 use or to use motor fuel upon which the tax levied by this act
11 has not been paid or the payment assumed by a licensee. Any
12 person who willfully fails to comply with this act, for each
13 failure, shall be subject to a penalty imposed by the
14 department of not less than one hundred dollars (\$100) nor
15 more than ten thousand dollars (\$10,000).

16 Section 31. (a) Each person operating a refinery or
17 terminal in Alabama shall prepare and provide to the driver of
18 every highway vehicle receiving motor fuel at the facility a
19 shipping document setting out on its face the destination
20 state as represented to the terminal operator by the shipper
21 or the shipper's agent. Failure to comply with this subsection
22 may result in a department imposed penalty of not less than
23 five hundred dollars (\$500) nor more than one thousand dollars
24 (\$1,000), to be multiplied by the sum of the current violation
25 plus prior violations of this subsection.

26 (b) Every person transporting motor fuel in Alabama
27 in a highway vehicle other than in its supply tank shall carry

1 on board a shipping document issued by the facility where the
2 motor fuel was obtained. The shipping document shall set out
3 on its face the state of destination of the motor fuel
4 transported in the highway vehicle. Violation of this
5 subsection constitutes a Class A misdemeanor. Failure to
6 comply with this subsection may result in a department imposed
7 penalty of not less than five hundred dollars (\$500) nor more
8 than one thousand dollars (\$1,000), to be multiplied by the
9 sum of the current violation plus prior violations of this
10 subsection.

11 (c) Every person transporting in Alabama motor fuel
12 received from a terminal operator or refiner shall provide the
13 original or a copy of the terminal issued shipping document
14 accompanying the shipment to the operator of the retail outlet
15 to which delivery of the shipment was made. Knowingly
16 violating or knowingly aiding and abetting another person in
17 violating this subsection shall constitute a Class C felony.
18 Failure to comply with this subsection may result in a
19 department imposed penalty of not less than five hundred
20 dollars (\$500) nor more than one thousand dollars (\$1,000), to
21 be multiplied by the sum of the current violation plus prior
22 violations of this subsection.

23 (d) Each operator of a retail outlet shall receive,
24 examine, and retain the shipping document received from the
25 transporter for every shipment of motor fuel that is delivered
26 to each location, and retain the shipping document at the
27 location for not less than 30 days. At the end of 30 days, the

1 shipping document shall be maintained with the required books
2 and records for a period of three years from the date of
3 shipment. Knowingly violating or knowingly aiding and abetting
4 another person in violating this subsection shall constitute a
5 Class C felony. Failure to comply with this subsection may
6 result in a department imposed penalty of not less than five
7 hundred dollars (\$500) nor more than one thousand dollars
8 (\$1,000), to be multiplied by the sum of the current violation
9 plus prior violations of this subsection.

10 (e) No bulk end user, retail dealer, or wholesale
11 distributor shall knowingly accept delivery of motor fuel into
12 storage facilities in Alabama if that delivery is not
13 accompanied by a shipping document that sets out on its face
14 Alabama as the state of destination of the motor fuel.
15 Knowingly violating or knowingly aiding and abetting another
16 person in violating this subsection shall constitute a Class C
17 felony. Failure to comply with the provisions of this
18 subsection may result in a department imposed penalty of not
19 less than five hundred dollars (\$500) nor more than one
20 thousand dollars (\$1,000), to be multiplied by the sum of the
21 current violation plus prior violations of this subsection.

22 (f) The department shall provide for relief in a
23 case where a shipment of motor fuel is legitimately diverted
24 from the represented destination state after the shipping
25 document has been issued by the terminal operator or where the
26 terminal operator failed to cause proper information to be
27 printed on the shipping document. These relief provisions

1 shall include the requirement that the shipper or its agent
2 provide notification as prescribed by the department before
3 the diversion or correction is to occur.

4 (g) A terminal operator or bulk plant operator may
5 rely on the representation made by the purchaser of motor fuel
6 or the purchaser's agent concerning the destination state of
7 the motor fuel. A purchaser is liable for any tax due as a
8 result of the purchaser's diversion of motor fuel from the
9 represented destination state.

10 (h) Every person hauling, transporting, or conveying
11 motor fuel over any of the navigable waters of this state,
12 during the entire time so engaged, must maintain possession of
13 an invoice, bill of sale, or shipping document showing the
14 legal name and physical address of the person from whom motor
15 fuel was received, the legal name and physical address of
16 every person or persons to whom deliveries of motor fuel will
17 be made, and the number of gallons delivered. The person
18 hauling, transporting, or conveying the motor fuel shall, at
19 the request of any person authorized by law to inquire into or
20 investigate these matters, produce and offer for inspection
21 the invoice, bill of sale, or shipping document. Failure to
22 comply shall be prima facie evidence of a violation of this
23 section.

24 (1) No person shall haul, transport, or convey motor
25 fuel in boats or barges over any of the navigable waters of
26 the state except in boats or barges plainly visibly marked on
27 both sides and above the water line thereof with the word

1 "gasoline" or other name of the motor fuel being transported,
2 in letters at least four inches high and of correspondingly
3 appropriate width, together with the legal name and physical
4 address of the owner of the boat or barge in which the
5 gasoline is contained.

6 (2) The provisions of this subsection shall not
7 apply to boats transporting gasoline to be used solely for
8 motive power of the boats.

9 (i) Every motor vehicle being operated by private
10 and for-hire carriers of property must be marked as specified
11 in this section if that vehicle is transporting hazardous
12 materials including gasoline of a kind or quantity that
13 requires the vehicle to be marked or placarded in accordance
14 with Section 177.823 of the Hazardous Materials Regulations of
15 the Department of Transportation and is operating under its
16 own power, either alone or in combination.

17 (1) The marking shall display all of the following
18 information:

19 a. The name or trade name of the private and
20 for-hire carrier operating the vehicle.

21 b. The city or community and state abbreviation in
22 which the carrier maintains its principal office or in which
23 the vehicle is customarily based.

24 c. If the name of a person other than the operating
25 carrier appears on the vehicle, the words "operated by"
26 immediately preceding the information required by this
27 section.

1 d. Other identifying information may be displayed on
2 the vehicle if it is not inconsistent with the information
3 required by this section.

4 (2) The marking must meet all of the following
5 requirements:

6 a. Appear on both sides of the vehicle.

7 b. Be in letters that contrast sharply in color with
8 the background.

9 c. Be readily legible during daylight hours from a
10 distance of 50 feet while the vehicle is stationary.

11 d. Be kept and maintained in a manner that retains
12 the legibility required by this section.

13 e. The marking may consist of a removable device if
14 that device meets the identification and legibility
15 requirements of this act.

16 (j) Willful violation of any of the provisions of
17 subsection (h) or (i) shall constitute a Class C felony.

18 (k) The marking provisions of this section as to the
19 word "gasoline" shall not apply to a vehicle transporting
20 gasoline in the fuel tank supplied by the manufacturer with
21 the vehicle, or carried in an auxiliary fuel tank, connected
22 directly with the carburetor of the vehicle and used
23 exclusively for propelling it, to vehicles transporting
24 gasoline in quantities of not more than five gallons for
25 delivery in response to emergency calls, or to gasoline being
26 transported by common carriers in railroad cars.

1 (1) (1) Officers or employees of the State of
2 Alabama, or law enforcement officers of any county or
3 municipality in the State of Alabama, upon the presentation of
4 appropriate credentials and a written notice to the owner,
5 operator, or agent in charge, are authorized to enter any
6 place and to conduct inspections.

7 (2) Inspections shall be performed in a reasonable
8 manner and at times that are reasonable under the
9 circumstances, taking into consideration the normal business
10 hours of the place to be entered. Inspections may be at any
11 place at which taxable motor fuel is or may be produced or
12 stored or at any inspection site where evidence of activities
13 may be discovered. These places include, but are not limited
14 to, any of the following:

15 a. A terminal.

16 b. A motor fuel storage facility that is not a
17 terminal.

18 c. A retail motor fuel facility.

19 d. A state or local highway inspection station,
20 weigh station, agricultural inspection station, mobile
21 station, or other location designated by the commissioner or
22 his or her designated agent to be used as a motor fuel
23 inspection site.

24 (3) Officers or employees of the State of Alabama,
25 or law enforcement officers of any county or municipality in
26 the State of Alabama, may do any of the following:

1 a. Physically inspect, examine, or otherwise search
2 any tank, reservoir, or other container that can or may be
3 used for the production, storage, or transportation of motor
4 fuel, fuel dyes, or fuel markers. Inspection may also be made
5 of any equipment used for, or in connection with, production,
6 storage, or transportation of motor fuel, fuel dyes, or fuel
7 markers. This includes any equipment used for the dyeing or
8 marking of diesel fuel, and shall include the inspection of
9 related shipping documents.

10 b. Detain any vehicle, train, or boat for the
11 purpose of inspecting its fuel tanks and storage tanks.
12 Detainment may continue for any reasonable period of time, not
13 to exceed one hour, necessary to determine the amount and
14 composition of the motor fuel.

15 c. Take and remove samples of motor fuel in
16 reasonable quantities necessary to determine its composition.

17 (4) Penalties.

18 a. Any person refusing to allow an inspection may be
19 penalized one thousand dollars (\$1,000) for each refusal. This
20 penalty is in addition to any other penalties or tax that may
21 be imposed upon that person or any other person liable for
22 motor fuel excise taxes.

23 b. The following acts shall be subject to a civil
24 penalty payable to the Department of Revenue:

25 1. Transporting motor fuel in a railroad tank car or
26 transport truck without a shipping document or with a false or
27 an incomplete shipping document.

1 2. Delivering motor fuel to a destination state
2 other than that shown on the shipping document.

3 c. The penalty imposed under paragraph b. is payable
4 by the person in whose name the conveyance is registered,
5 tagged, or titled, or the lessee if the conveyance is a
6 transport truck. If the conveyance is a railroad tank car, it
7 is payable by the person responsible for the movement of motor
8 fuel in that conveyance. The amount of the penalty shall
9 depend upon the amount of fuel improperly transported or
10 diverted and whether the person against whom the penalty is
11 assessed has previously been assessed a penalty under this
12 subsection. For a first assessment under this subsection, the
13 penalty is twice the amount of excise tax payable on the
14 improperly transported or diverted motor fuel. For a second or
15 subsequent assessment under this subsection, the penalty is
16 the greater of five thousand dollars (\$5,000) or five times
17 the amount of excise tax payable on the improperly transported
18 or diverted motor fuel. The penalty imposed under this
19 subsection shall be in addition to any fuel excise tax
20 assessed.

21 d. It is unlawful to use dyed diesel fuel for
22 highway use, with the exception of a city or county vehicle
23 and those permitted under 26 U.S.C. § 4082. The operation of a
24 motor vehicle on a highway with a supply tank containing dyed
25 diesel fuel, the use of which is unlawful under this section,
26 or the use of other motor fuel on which the tax imposed by the
27 state has not been paid, shall constitute a Class A

1 misdemeanor and may result in a civil penalty. The penalty is
2 payable to the Department of Revenue by the person in whose
3 name the motor vehicle is registered or the driver of the
4 vehicle, or both. The penalty shall be the greater of one
5 thousand dollars (\$1,000) or ten dollars (\$10) per gallon of
6 the motor fuel involved. In the case of repeated violations,
7 the penalty is to be multiplied by the current violation plus
8 prior violations that have been imposed under this section in
9 addition to any fuel tax assessed. A county or municipality
10 shall be entitled to 25 percent of any penalty authorized by
11 this section if law enforcement officers in its employment
12 provide information that leads to the arrest and conviction of
13 any person violating this section or to the assessment and
14 collection of the excise taxes from any person violating this
15 section.

16 Section 32. (a) Any person who engages in any
17 business activity for which a license is required by this act
18 without having first obtained and subsequently retained a
19 valid license shall be subject to the following civil
20 penalties:

21 (1) Ten thousand dollars (\$10,000) for the first
22 violation.

23 (2) For each subsequent violation, the amount is to
24 be multiplied by the sum of the current violation plus prior
25 violations.

1 (b) Civil penalties prescribed under this section
2 shall be assessed, collected, and paid in the same manner as
3 the motor fuel tax.

4 Section 33. (a) Any person who willfully does any of
5 the following is guilty of a misdemeanor and upon conviction
6 thereof shall be fined not less than five thousand dollars
7 (\$5,000) nor more than twenty-five thousand dollars (\$25,000),
8 or imprisoned for not more than one year, or both:

9 (1) Fails to obtain a license as required by this
10 act prior to engaging in an activity for which a license is
11 required.

12 (2) Fails to pay to this state no more than 30 days
13 after the date the tax is due the tax levied by this act.

14 (3) Makes a false statement on an application,
15 return, ticket, invoice, statement, or any other document
16 required under this act.

17 (4) Fails to file no more than 30 days after it is
18 due any return required by this act.

19 (5) Fails to maintain any record required by this
20 act.

21 (6) Makes a false statement in an application for a
22 refund.

23 (7) Fails to make required disclosure of the correct
24 amount of fuel sold or used in this state.

25 (8) Fails to show or give a shipping document as
26 required under this act.

1 (9) Uses, delivers, or sells any aviation fuel for
2 use or intended for use in highway vehicles or watercraft.

3 (10) Interferes with or refuses to permit seizures
4 authorized under Section 32.

5 (11) Delivers motor fuel from a transport vehicle to
6 the fuel supply tank of a highway vehicle.

7 (12) Dispenses into the supply tank of a highway
8 vehicle, watercraft, or aircraft any motor fuel on which tax
9 levied by Section 6 has not been paid.

10 (13) Allows to be dispensed into the supply tank of
11 a highway vehicle, watercraft, or aircraft any motor fuel on
12 which tax levied by Section 6 has not been paid.

13 (14) Purchases motor fuel from an unlicensed
14 distributor, unlicensed importer, or unlicensed supplier.

15 (b) Any person who willfully does any of the
16 following with the intent to either evade or circumvent the
17 tax levied by Section 6 or assists any other person in efforts
18 to evade or circumvent the tax shall be guilty of a felony and
19 upon conviction thereof shall be fined not less than
20 twenty-five thousand dollars (\$25,000) nor more than fifty
21 thousand dollars (\$50,000), or imprisoned in a state
22 correctional facility for not less than one nor more than five
23 years, or both fined and imprisoned:

24 (1) Fails to pay motor fuel taxes and diverts the
25 tax proceeds for other purposes.

26 (2) As a licensee or the agent or representative of
27 a licensee, converts or attempts to convert motor fuel tax

1 proceeds for the use of the licensee or the licensee's agent
2 or representative, with the intent to defraud this state.

3 (3) Collects motor fuel taxes when not authorized or
4 licensed by the department to do so.

5 (4) Imports motor fuel into this state in
6 contravention of this act.

7 (5) Conspires with any other person or persons to
8 engage in an act, plan, or scheme to defraud this state of
9 motor fuel tax proceeds.

10 (6) Alters or attempts to alter the strength or
11 composition of any dye or marker in any dyed diesel fuel
12 intended to be used for a taxable purpose.

13 (7) Fails to remit to the department any tax levied
14 pursuant to this act if the person has added, or represented
15 that he or she has added, the tax to the sales price for the
16 motor fuel and has collected the amount of the tax.

17 (c) Each offense under this section is subject to a
18 separate criminal penalty.

19 Section 34. (a) Upon the discovery of any motor fuel
20 illegally imported into or illegally transported, delivered,
21 stored, or sold in this state, the commissioner shall order
22 the tank or other storage receptacle in which the motor fuel
23 is located to be seized and locked or sealed until the tax,
24 interest, and penalties levied under this act are assessed and
25 paid.

26 (b) If the assessment for the above tax is not paid
27 within 30 days, the commissioner, in addition to the other

1 remedies in this act, may sell the motor fuel and use the
2 proceeds of the sale to satisfy the assessment due, with any
3 excess funds after payment of the assessment and costs of the
4 sale being returned to the owner of the motor fuel.

5 (c) All motor fuel and any property, tangible or
6 intangible, which is found upon the person or in any vehicle
7 which the person is using, including the vehicle itself, to
8 transport or sell illegally transported, delivered, stored,
9 sold, imported, or acquired motor fuel, and any property found
10 in the immediate vicinity, including motor vehicles, tanks,
11 and other storage devices, used to aid in the illegal
12 transportation or sale of motor fuel, shall be considered
13 contraband and shall be forfeited to this state.

14 Section 35. Each person required to be licensed
15 under Section 13 and each bulk user and retailer shall keep
16 and maintain all records pertaining to motor fuel received,
17 produced, manufactured, refined, compounded, used, sold, or
18 delivered, together with delivery tickets, invoices, bills of
19 lading, and other pertinent records and papers required by the
20 department for the reasonable administration of this act, for
21 a period of no less than three years.

22 Section 36. (a) A person who refuses to permit an
23 inspection or audit authorized by this act is subject to a
24 civil penalty of five thousand dollars (\$5,000) in addition to
25 any penalty imposed by other provisions of this act.

26 (b) A person who refuses, for the purpose of evading
27 tax, to allow an inspection, in addition to being liable for

1 other penalties imposed by this act, is guilty of a felony and
2 upon conviction shall be fined not more than ten thousand
3 dollars (\$10,000) or imprisoned not more than three years, or
4 both.

5 Section 37. A notice stating: "DYED DIESEL FUEL,
6 NON-HIGHWAY USE ONLY, PENALTY FOR HIGHWAY USE" or a similar
7 phrase that clearly indicates that the diesel fuel is not to
8 be used to operate a highway vehicle shall be provided or
9 posted in all of the following circumstances:

10 (1) By the terminal operator to a person who
11 receives dyed diesel fuel at a terminal rack of that terminal
12 operator.

13 (2) By a seller of dyed diesel fuel to its buyer if
14 the diesel fuel is located outside the bulk transfer/terminal
15 system and is not sold from a retail pump or bulk plant posted
16 in accordance with the requirements of subsection (3).

17 (3) By a seller on a retail pump or bulk plant where
18 it sells dyed diesel fuel for use by its buyer.

19 (4) By the time of the removal or sale appears on
20 shipping documents, bills of lading, and invoices accompanying
21 the sale or removal of the dyed diesel fuel.

22 Section 38. Upon the effective date of this act, no
23 city or town may levy or impose a new or additional excise or
24 license tax on the sale, distribution, storage, use, or
25 consumption of gasoline or any substitute therefor which is
26 consumed as aviation fuel, as defined under subdivision (3) of

1 Section 3. Any ordinance enacted or adopted contrary to the
2 provisions of this section shall be null and void.

3 Section 39. All municipalities and all counties
4 currently levying an excise or privilege license tax upon the
5 sale, use, or consumption, distribution, storage, or
6 withdrawal from storage of gasoline or motor fuel may require
7 that where the tax has been paid to the municipality or county
8 by a distributor, refiner, or by any retail dealer, storer, or
9 user, such payment shall be sufficient, the intent being that
10 the tax shall be borne by the consumer and paid to the
11 municipality or county but once.

12 Section 40. (a) For the purpose of this section, the
13 following terms shall have the meanings ascribed below:

14 (1) BASE ANNUAL COUNTY DISTRIBUTION. Five hundred
15 fifty thousand dollars (\$550,000).

16 (2) COST OF COLLECTION. The amounts from the
17 proceeds of the highway gasoline tax that may be appropriated
18 by the Legislature to the department for its operating
19 expenses.

20 (3) COUNTY. Each county in the state.

21 (4) FISCAL YEAR. The fiscal year of the state.

22 (5) DEPARTMENT OF TRANSPORTATION. The Department of
23 Transportation of the state.

24 (6) HIGHWAY GASOLINE TAX. Both of the following:

25 a. The excise tax levied under subdivision (1) of
26 subsection (a) of Section 6, with the exception of those

1 portions of the tax levied on aviation fuel and marine
2 gasoline.

3 b. The excise tax levied by Sections 40-17-140 to
4 40-17-155, inclusive, Code of Alabama 1975, except that
5 portion of the tax imposed on diesel fuel.

6 (7) LOCAL SUBDIVISIONS' SHARES OF THE NET TAX
7 PROCEEDS. The 55 percent of the net tax proceeds referred to
8 in the first sentence of subsection (d).

9 (8) MUNICIPALITY. An incorporated city or town in
10 the state.

11 (9) NET TAX PROCEEDS. The entire proceeds from the
12 highway gasoline tax, except the proceeds from the
13 supplemental excise tax of five cents (\$.05) per gallon and
14 additional four cents (\$.04) imposed by subdivision (1) of
15 subsection (a) of Section 6, less the cost of collection and
16 less any refunds pursuant to the provisions of this act.

17 (10) STATE. The State of Alabama.

18 (11) STATE'S SHARE OF THE NET TAX PROCEEDS. The 45
19 percent of the net tax proceeds referred to in the first
20 sentence of subsection (c).

21 (12) PUBLIC HIGHWAY. Every highway, road, street,
22 alley, lane, court, place, trail, drive, bridge, viaduct, or
23 trestle located either within a municipality or in
24 unincorporated territory and laid out or erected by the public
25 or dedicated or abandoned to the public or intended for use by
26 or for the public. The term "public highway" shall apply to
27 and include driveways upon the grounds of universities,

1 colleges, schools, and institutions but shall not be deemed to
2 include private driveways, private roads, or private places
3 not intended for use by the public.

4 (13) SUPPLEMENTAL NET TAX PROCEEDS. That portion of
5 the highway gasoline tax remaining after the net tax proceeds
6 and additional four cents (\$.04) and applicable costs of
7 collection and refunds have been deducted, less the cost of
8 collection and less any refunds of the highway gasoline tax
9 applicable to the supplemental gasoline excise tax imposed in
10 subdivision (1) of subsection (a) of Section 6.

11 The foregoing definitions shall be deemed applicable
12 whether terms defined are used in the singular or plural.

13 (b) The revenue, less the cost of collection and
14 refunds authorized by law, from the seven cents (\$.07) excise
15 tax and the supplemental excise tax of five cents (\$.05) per
16 gallon on gasoline, shall not be used for any purposes other
17 than the following:

18 (1) The Legislature hereby finds as a fact that of
19 all the gasoline sold in this state not less than one and
20 twenty-three hundredths percent thereof is used for marine
21 purposes to propel vessels on inland and coastal waterways of
22 this state. The Legislature hereby declares that it is the
23 policy of this state to use the funds derived pursuant to this
24 section from the sale of marine gasoline to provide for the
25 programs and activities of the Marine Police, Marine
26 Resources, and Wildlife and Freshwater Fisheries Divisions of

1 the Department of Conservation and Natural Resources in this
2 state as follows:

3 a. Thirty-five one hundredths of one percent of all
4 state imposed taxes collected pursuant to this ~~section~~
5 subsection on the sale of gasoline, except gasoline and other
6 fuels consumed in airplanes, shall be credited as follows: 60
7 percent to the State Water Safety Fund of the Marine Police
8 Division and 40 percent to the Seafood Fund of the Marine
9 Resources Division.

10 b. An amount equal to seventy-one hundredths of one
11 percent of all state-imposed taxes levied pursuant to this
12 ~~section~~ subsection and collected on the sale of gasoline,
13 except gasoline and other fuels consumed in airplanes, and
14 which would otherwise be credited to the Public Road and
15 Bridge Fund pursuant to this section shall be credited to the
16 Game and Fish Fund of the Division of Wildlife and Freshwater
17 Fisheries. Provided, however, that the above credit to the
18 Game and Fish Fund shall not diminish the allocations provided
19 by subsection (d).

20 c. An amount equal to eighteen one hundredths of one
21 percent of all state-imposed taxes levied pursuant to this
22 ~~section~~ subsection and collected on the sale of gasoline,
23 except gasoline and other fuels consumed in airplanes, and
24 which would otherwise be credited to the Public Road and
25 Bridge Fund pursuant to this section shall be credited as
26 follows: 60 percent to the State Water Safety Fund of the
27 Marine Police Division and 40 percent to the Seafood Fund of

1 the Marine Resources Division. Provided, however, that this
2 additional credit to the State Water Safety Fund and Seafood
3 Fund shall not diminish the allocations provided by subsection
4 (d).

5 (2) The revenue arising from the sale of gasoline as
6 herein defined, except gasoline sold for use as fuel to propel
7 aircraft and which gasoline is subject to the tax imposed in
8 subdivision (3) of subsection (a) of Section 6, and except for
9 revenues from the supplemental net tax proceeds, for all other
10 purposes shall not be used for any purpose other than for the
11 construction, improvement, maintenance, and supervision of
12 highways, bridges, and streets, including the retirement of
13 bonds for the payment of which such revenues have been or may
14 hereafter be pledged. The payment of the per diem and mileage
15 of members of county governing bodies when engaged in
16 supervising the construction, improvement, and maintenance of
17 highways, bridges, and streets shall be construed as used in
18 supervision. The governing body of each county may expend an
19 amount not to exceed one third of the total amount of such
20 revenue that may be received by such county in the payment of
21 any debt that may have been incurred by such county for the
22 construction or maintenance of roads or bridges. This fund
23 shall be allocated in the manner now provided by law. On the
24 20th day of each month following that quarter of any fiscal
25 year, all revenue derived from the sale of gasoline to be
26 consumed in the motor of a boat or vessel as defined in

1 subdivision (1) shall be allocated to the State Water Safety
2 Fund, Seafood Fund, and Game and Fish Fund.

3 (c) Distribution of forty-five percent of net tax
4 proceeds shall be distributed as follows:

5 (1) Forty-five percent of the net tax proceeds are
6 hereby allocated and appropriated for state highway purposes
7 and as the state's share of the net tax proceeds to be covered
8 into the State Treasury to the credit of the Public Road and
9 Bridge Fund and to be disbursed as hereinafter provided in
10 this section.

11 (2) A portion of the state's share of the net tax
12 proceeds that is equal in amount to two sevenths (equivalent
13 to six twenty-firsts) of the net tax proceeds shall be
14 disbursed, to pay at their respective maturities the principal
15 of and interest on the bonds issued prior to March 1, 1967, by
16 the Alabama Highway Authority, a public corporation organized
17 and existing under the provisions of Sections 23-1-150 to
18 23-1-160, inclusive, Code of Alabama 1975, in the order in
19 which the two sevenths of the net tax proceeds were pledged
20 for the bonds.

21 (3) A portion of the state's share of the net tax
22 proceeds that is equal in amount to two twenty-firsts of the
23 net tax proceeds shall be disbursed to pay at their respective
24 maturities the principal of and interest on the bonds issued
25 prior to March 1, 1967, by the Alabama Highway Authority, in
26 the order in which the two twenty-firsts of the net tax
27 proceeds were pledged for the bonds.

1 (4) A portion of the state's share of the net tax
2 proceeds that is equal in amount to one twenty-first of the
3 net tax proceeds shall be disbursed to pay at their respective
4 maturities the principal of and interest on the bonds issued
5 by the Alabama Highway Authority after March 1, 1959, and
6 prior to March 1, 1967, in the order in which the one
7 twenty-first of the net tax proceeds was pledged for the
8 bonds.

9 (5) The residue of the state's share of the net tax
10 proceeds remaining after provision shall have been made out of
11 the aforesaid nine twenty-firsts of the net tax proceeds for
12 payment of the obligations referred to in the foregoing
13 subdivisions (2), (3), and (4) shall be disbursed for the
14 following purposes, in the following order and to the extent
15 necessary:

16 a. For payment at their respective maturities of the
17 principal of and interest on bonds, other than refunding
18 bonds, issued by the Alabama Highway Authority under the
19 provisions of Act No. 225, 1967 Special Session (Acts 1967, p.
20 302), to the extent that the portion of the motor vehicle
21 license taxes and registration fees provided in Section
22 40-12-270, Code of Alabama 1975, to be used for the payment of
23 the principal of and interest on the bonds, other than
24 refunding bonds, issued by the Alabama Highway Authority under
25 the provisions of Act No. 225, should be insufficient to pay
26 the principal and interest at their respective maturities.

1 b. For payment at their respective maturities of the
2 principal of and interest on the bonds, other than refunding
3 bonds, issued by the Alabama Highway Authority under the
4 provisions of Act No. 781, 1969 Regular Session (Acts 1969, p.
5 1398), to the extent that the portion of the motor vehicle
6 license taxes and registration fees provided in Section
7 40-12-270, Code of Alabama 1975, to be used for the payment of
8 the principal of and interest on the bonds, other than
9 refunding bonds, issued by the Alabama Highway Authority under
10 the provisions of Act No. 781, should be insufficient to pay
11 the principal and interest at their respective maturities.

12 c. For payment at their respective maturities of the
13 principal of and interest on the bonds, other than refunding
14 bonds, issued by the Alabama Highway Authority under the
15 provisions of Act No. 1416, 1971 Regular Session (Acts 1971,
16 p. 2412), to the extent that the portion of the motor vehicle
17 license taxes and registration fees provided in Section
18 40-12-270, Code of Alabama 1975, to be used for the payment of
19 the principal of and interest on the bonds, other than
20 refunding bonds, issued by the Alabama Highway Authority under
21 the provisions of Act No. 1416, should be insufficient to pay
22 the principal and interest at their respective maturities.

23 d. For payment at their respective maturities of the
24 principal of and interest on any bonds or other obligations,
25 including refunding obligations, issued after December 1,
26 1977, by a public corporation existing at the time of issuance
27 under the laws of the state pursuant to then existing

1 statutory authorization, or by the state pursuant to then
2 existing authorization, effective at the time of issuance,
3 under the constitution and laws of the state, and for which
4 the aforesaid residue, referred to in this subdivision, of the
5 state's share of the net tax proceeds shall have been
6 appropriated and pledged in a then effective statute or
7 constitutional provision (including any enabling act under a
8 constitutional provision) under which the bonds may be issued,
9 all in the manner and to the extent and subject to the
10 priorities in rank as may be provided in a statute or
11 constitutional provision or in any authorizing resolution
12 thereunder.

13 e. For allocation on September 30 of each fiscal
14 year to each county to which allocation shall have been made
15 under the provisions of subsection (d), during that fiscal
16 year less than the base annual county distribution, which,
17 when added to the amounts so allocated to that county under
18 subsection (d), will equal the base annual county
19 distribution.

20 (6) The state's share of the net tax proceeds paid
21 into the Public Road and Bridge Fund and not required for any
22 of the purposes referred to in any of the foregoing
23 subdivisions (2), (3), (4), and (5) may be withdrawn by the
24 Department of Transportation and used by it for highway
25 purposes.

26 (d) Fifty-five percent of net tax proceeds shall be
27 distributed as follows:

1 (1) Fifty-five percent of the net tax proceeds are
2 hereby allocated and appropriated to be used for highway
3 purposes by the counties and municipalities to be covered into
4 the State Treasury and shall be disbursed and allocated as
5 hereinafter provided in this section.

6 (2) A portion of the local subdivisions' shares of
7 the net tax proceeds that is equal to 25 percent of the net
8 tax proceeds shall be allocated equally among the 67 counties
9 of the state.

10 (3) The entire residue of the local subdivisions'
11 shares of the net tax proceeds, being an amount equal to 30
12 percent of the net tax proceeds less any amount paid pursuant
13 to the contingent appropriation in subdivision (2), shall be
14 allocated among the 67 counties of the state on the basis of
15 the ratio of the population of each county to the total
16 population of the state according to the then next preceding
17 federal decennial census, or any special federal census
18 heretofore held in any county subsequent to the effective date
19 of the 1960 Federal Decennial Census. The allocation provided
20 for in this subdivision shall be made on or prior to the tenth
21 day of each month with respect to receipts of the highway
22 gasoline tax by the state during the preceding month.

23 (e) (1) The amounts allocated or apportioned to each
24 county pursuant to each of subsections (c) and (d) shall be
25 disposed of as follows:

26 a. Ten percent of the amount so allocated or
27 apportioned to each county shall be distributed among the

1 municipalities in the county with respect to which the
2 allocation or apportionment is made; each distribution among
3 the municipalities shall be made on the basis of the ratio of
4 the population of each municipality to the total population of
5 all municipalities in the applicable county according to the
6 then next preceding federal decennial census.

7 b. The remaining portion of the amount so allocated
8 or apportioned to each county shall be distributed to the
9 county with respect to which the allocation or apportionment
10 is made. The distributions provided for in this subsection
11 shall be made monthly.

12 (2) The population of any municipality incorporated
13 subsequent to the taking of the then next preceding federal
14 decennial census shall be deemed to be the population shown by
15 the census for that municipality taken pursuant to the
16 requirements of Section 11-41-4, Code of Alabama 1975. Any
17 municipality incorporated after September 30, 1967, shall not
18 participate in the distribution provided for in this section
19 until the fiscal year next succeeding the fiscal year during
20 which it is incorporated, the first distribution to the
21 municipality to be made from the receipts of the highway
22 gasoline tax by the state during October of the fiscal year
23 next succeeding its incorporation.

24 (3) When requested to do so by any municipality, the
25 Department of Transportation may make available the services
26 and advice of its engineers and other employees with respect
27 to any work for which that municipality proposes to expend

1 moneys distributed to it under this section. Any services and
2 advice that may be made available shall be provided under the
3 terms and conditions that may be mutually agreeable to the
4 Department of Transportation and the municipality.

5 (f) Three-fifths of the supplemental net tax
6 proceeds on gasoline as defined in subsection (a), shall be
7 deposited in the State Treasury to the credit of the Public
8 Road and Bridge Fund of the Department of Transportation, and
9 shall be used exclusively in the construction, repair,
10 maintenance, and operation of public roads and bridges in this
11 state, including public roads in state parks and any toll road
12 or toll bridge constructed by the state Department of
13 Transportation or maintained and operated by it or under its
14 supervision. It is further provided that of the receipts
15 collected under the provisions of this section dedicated to
16 the Public Road and Bridge Fund, the sum of one million
17 dollars (\$1,000,000) shall be set aside in the fiscal year
18 ending September 30, 1992, and the sum of at least five
19 hundred thousand dollars (\$500,000) for the fiscal year ending
20 September 30, 1993, and in each fiscal year thereafter, to
21 coordinate with the Department of Conservation and Natural
22 Resources on the construction, maintenance, and repair of
23 public roads in the state's park system. The remaining
24 two-fifths of the supplemental net tax proceeds shall be
25 distributed, as provided for distribution of the net tax
26 proceeds, according to subsections (c), (d), and (e). Any
27 local laws or general laws of local application now in effect

1 regarding the distribution of the tax levied by Section 6
2 shall govern the distribution of the amounts allocated or
3 apportioned within every county by this section. The
4 Legislature may by general or local laws prescribe other
5 distributions within counties to local governments. The two
6 fifths of the supplemental net tax proceeds shall be used for
7 the same purposes and deposited in the same state, county, and
8 municipal funds as provided by Section 43. Where the use is by
9 a county, the funds may be used to match federal aid on any
10 projects that meet the requirements for federal funding and
11 the funds may also be used for new construction without regard
12 to the provision that 90 percent of the county's paved road
13 system has achieved a grade of 85 percent based on the State
14 of Alabama Department of Transportation's annual maintenance
15 report of county roads and bridges.

16 (g) In all counties wherein members of the county
17 governing bodies are compensated or paid on a salary basis,
18 the county governing bodies may pay a part of the salary out
19 of the county gasoline tax revenues. The part paid out of
20 county gasoline tax revenues shall bear the same proportion to
21 the total salary paid to the member as the time devoted by the
22 member to supervising, inspecting, accepting, building, or
23 repairing county roads or bridges bears to the total time
24 devoted by the member to all of his or her duties as a member
25 of the county governing body.

26 The county governing body may determine the
27 proportions set out in this section.

1 (h) The county commissions may pay a portion of the
2 compensation of their clerks out of the Public Road and Bridge
3 Fund or gasoline tax funds in the county treasury; provided,
4 that not more than 75 percent of the total salary payable
5 shall be paid out of the fund or funds.

6 (i) For the purpose of this section, each federal
7 decennial census shall be deemed to be effective on October 1
8 next following the publication of the results of the decennial
9 census.

10 (j) Wherever in this section any portion of the net
11 tax proceeds is provided to be applied or used for highway
12 purposes, it shall be used as follows:

13 (1) Where the use is by the Department of
14 Transportation, the use shall, with the approval of the
15 Governor, be for the construction of public roads and bridges
16 in the state, the maintenance of public roads and bridges on
17 the state highway system, the equipment and preparation of
18 convicts for use upon the public roads and bridges in the
19 state, the maintenance of the convicts while at work upon the
20 roads and bridges, the compensation to the state for the use
21 of any convicts, and for other public road and bridge purposes
22 in the state as may be authorized by the Department of
23 Transportation with the approval of the Governor.

24 (2) Where the use is by a county, the use shall be
25 for transportation planning, the construction, reconstruction,
26 maintenance, widening, alteration, and improvement of public
27 roads and bridges as is now or may hereafter be provided by

1 law, including payment of the principal of and interest on any
2 securities at any time issued by the county pursuant to law
3 for payment of which all or any of the net tax proceeds were
4 or may be lawfully pledged, and the use may also be for the
5 purpose and subject to the provisions contained in subsection
6 (g).

7 (3) Where the use is by a municipality, the use
8 shall be for transportation planning, the construction,
9 reconstruction, maintenance, widening, alteration, and
10 improvement of public roads, bridges, streets, and other
11 public ways, including payment of the principal of and
12 interest on any securities at any time issued by the
13 municipality pursuant to law for the payment of which any part
14 of the net tax proceeds were or may be lawfully pledged;
15 provided, that no part of the net tax proceeds referred to in
16 this section shall be expended contrary to the provisions of
17 the constitution; and provided further, that funds distributed
18 to municipalities under the provisions of this section shall
19 not be commingled with other funds of the municipality and
20 shall be kept and disbursed by the municipality from a special
21 fund only for the purposes hereinabove provided.

22 (k) The county commission of each of the counties
23 may use or expend the proceeds of the state gasoline tax
24 levied by Section 6, distributed to the county pursuant to
25 this section, for the construction and maintenance of streets
26 within the corporate limits of any municipality located within

1 the county, anything in Sections 3 to 37, inclusive, to the
2 contrary notwithstanding.

3 (l) The county commission of each of the counties
4 may use or expend the state gasoline tax proceeds referred to
5 in subsection (k) for the construction, reconstruction,
6 maintenance, and repair of public highways and traffic control
7 areas located on public school property or state school
8 property within the county.

9 (m) The State Treasurer shall make all allocations
10 of the net tax proceeds and the supplemental net tax proceeds
11 and shall make the distributions and payments thereof pursuant
12 to the allocations provided for in this section.

13 (n) It is the intention of the Legislature in
14 enacting this section to preserve inviolate all pledges
15 heretofore made pursuant to law of any portion of the proceeds
16 derived from the highway gasoline tax for the benefit of those
17 bonds now outstanding that are referred to in subsection (c),
18 or for the benefit of securities now outstanding that were
19 issued pursuant to law by any county or municipality.

20 (o) All revenues received or collected by the
21 Department of Revenue from the additional four cents (\$.04)
22 tax levied on gasoline remaining after the payment of refunds
23 and the expense of administration and enforcement of this act
24 are hereby allocated and appropriated in the following manner:

25 (1) ~~Forty-five percent of the net tax proceeds are~~
26 ~~hereby allocated and appropriated~~ for state highway purposes
27 and as the state's share of the ~~net tax proceeds~~ additional

1 \$.04 tax levied. This 45 percent ~~of the net tax proceeds~~ shall
2 be ~~covered~~ deposited into the State Treasury to the credit of
3 the Public Road and Bridge Fund and shall be disbursed as
4 provided in this act.

5 (2) Fifty-five percent ~~of the net tax proceeds~~ are
6 ~~hereby allocated and appropriated to be used~~ for highway
7 purposes by the counties and municipalities. The 55 percent of
8 the ~~net tax proceeds~~ additional \$.04 tax levied shall be
9 ~~covered~~ deposited into the State Treasury and shall be
10 disbursed and allocated as hereinafter provided in this
11 section.

12 a. A portion of the local subdivisions' shares of
13 the ~~net tax proceeds~~ additional \$.04 tax levied that is equal
14 to 25 percent of the ~~net tax proceeds~~ additional \$.04 tax
15 levied shall be allocated equally among the 67 counties of the
16 state.

17 b. The entire residue of the local subdivisions'
18 shares of the ~~net tax proceeds~~ additional \$.04 tax levied,
19 being an amount equal to 30 percent of the ~~net tax proceeds~~
20 additional \$.04 tax levied, shall be allocated among the 67
21 counties of the state on the basis of the ratio of the
22 population of each county to the total population of the state
23 according to the then next preceding federal decennial census,
24 or any special federal census heretofore held in any county
25 subsequent to the effective date of the 1970 Federal Decennial
26 Census. The allocation provided for in this subsection shall
27 be made on or prior to the tenth day of each month with

1 respect to receipts of the highway gasoline tax by the state
2 during the preceding month.

3 c. The distributions provided for in this
4 subdivision shall be made monthly. The amounts allocated or
5 apportioned to each county shall be disposed of as follows:

6 1. Ten percent of the amount so allocated or
7 apportioned to each county shall be distributed among the
8 municipalities in the county with respect to which the
9 allocation or apportionment is made, each distribution among
10 the municipalities shall be made on the basis of the ratio of
11 the population of each municipality to the total population of
12 all municipalities in the applicable county according to the
13 then next preceding federal decennial census. Provided, that
14 any local laws or general laws of local application now in
15 effect regarding the distribution of the tax levied by Section
16 6 shall govern the distribution of the amounts allocated or
17 apportioned within every county by this section; provided
18 further, that the Legislature may by general or local laws
19 prescribe other distributions within counties to local
20 governments.

21 2. The remaining portion of the amount so allocated
22 or apportioned to each county shall be distributed to the
23 county with respect to which such allocation or apportionment
24 is made.

25 d. The population of any municipality incorporated
26 subsequent to the taking of the then next preceding federal
27 decennial census shall be deemed to be the population shown by

1 the census for that municipality taken pursuant to the
2 requirements of Section 11-41-4, Code of Alabama 1975. Any
3 municipality incorporated after September 30, 1978, shall not
4 participate in the distribution provided for in this section
5 until the fiscal year next succeeding the fiscal year during
6 which it is incorporated, the first distribution to the
7 municipality shall be made in respect of receipts of the
8 highway gasoline tax by the state during October of the fiscal
9 year next succeeding its incorporation.

10 e. When requested to do so by any municipality, the
11 Department of Transportation may at its discretion make
12 available the services and advice of its engineers and other
13 employees with respect to any work for which that municipality
14 proposes to expend moneys distributed to it under this
15 subdivision. Any services and advice that may be so made
16 available shall be provided under the terms and conditions as
17 may be mutually agreeable to the Department of Transportation
18 and the municipality.

19 (p) The State Treasurer shall make all allocations
20 of the revenue collections and shall make the distribution and
21 payments thereof pursuant to such allocations provided for in
22 this act.

23 Section 41. The revenue, less the cost of
24 collection, obtained from the tax levied in subdivision (3) of
25 subsection (a) of Section 6 shall be paid into the State
26 Treasury to the credit of the Department of Transportation and
27 be used exclusively for the purpose of paying the cost of

1 acquiring, engineering, construction, improvement, and
2 maintenance of existing or proposed airports and other air
3 navigation facilities within the state, for the payment of the
4 salaries of all employees who have been transferred from the
5 Alabama Department of Aeronautics to the Department of
6 Transportation under Article 12 of Chapter 1 of Title 23, Code
7 of Alabama 1975, and for the payment of administrative
8 expenses incurred by the Department of Transportation in
9 performing aeronautical activities and for the further purpose
10 of creating a sinking fund for the payment of the interest and
11 retirement of the principal of all bonds which may be
12 hereafter lawfully issued, sold, and delivered for funds to be
13 used exclusively for the enumerated purposes.

14 Section 42. (a) The proceeds of the thirteen cents
15 (\$.13) diesel excise tax imposed by this act, when collected,
16 shall be applied as follows:

17 (1) For payment of the costs of collection thereof,
18 being the amount appropriated for each fiscal year by the
19 Legislature to the Department of Revenue for the
20 administration of this article.

21 (2) For payment of the principal of and interest on
22 bonds issued after October 1, 1969, and prior to December 1,
23 1977, by the Alabama Highway Authority, a public corporation
24 and instrumentality of the state, all in the manner and to the
25 extent and subject to the priorities as to rank as are
26 provided in the respective statutes under which the bonds were
27 issued.

1 (3) For payment of the principal of and interest on
2 bonds and other obligations, including refunding obligations,
3 issued after December 1, 1977, by a public corporation
4 existing at the time of issuance under the laws of Alabama
5 pursuant to then existing statutory or constitutional
6 authorization, or by the State of Alabama pursuant to
7 authorization, effective at the time of issuance, under the
8 Constitution and laws of the state, and for which the excise
9 tax imposed by this act shall have been appropriated and
10 pledged in a then effective statute or constitutional
11 provision, including any enabling act under a constitutional
12 provision, all in the manner and to the extent and subject to
13 the priorities in rank as may be provided in the statute or
14 constitutional provision or in an authorizing resolution
15 thereunder.

16 (4) The balance shall be covered into the State
17 Treasury to the credit of the Department of Transportation to
18 be used exclusively in the construction, repair, maintenance,
19 and operation of public roads and bridges in this state,
20 including any toll road or toll bridge constructed by the
21 Department of Transportation or maintained and operated by it
22 or under its supervision.

23 (b) Revenues received or collected from the
24 additional six cents (\$.06) excise tax by the Department of
25 Revenue upon the selling, use or consumption, distributing,
26 storing, or withdrawing from storage in this state of diesel
27 fuel remaining after the payment of the expense of

1 administration and enforcement of this section shall be
2 distributed as follows:

3 (1) Four and sixty-nine one hundredths percent shall
4 be distributed equally among each of the 67 counties of the
5 state monthly. These funds shall be used by counties for the
6 purposes specified in paragraph a. of subdivision (2) of
7 subsection (a) of Section 8-17-91, Code of Alabama 1975.

8 (2) Ninety-three one hundredths of one percent shall
9 be allocated among the incorporated municipalities of the
10 state and distributed and used as provided in paragraph c. of
11 subdivision (2) of subsection (a) of Section 8-17-91, Code of
12 Alabama 1975.

13 (3) The balance shall be paid to the State Treasury
14 to be used for highway purposes by the Department of
15 Transportation.

16 Provided, that for the first five full fiscal years
17 commencing October 1, ~~2012~~ 2004, if distributions to the
18 counties and municipalities provided for in subdivisions (1)
19 and (2) above are insufficient to ensure, in combination with
20 the distributions provided in Section 8-17-91, Code of Alabama
21 1975, that the counties and municipalities receive no less
22 than the distributions received for fiscal year 2003 under the
23 previous provisions of Section 8-17-91, then the above
24 percentages shall be adjusted accordingly. After the first
25 five full fiscal years, the above percentages shall not be
26 adjusted.

1 Section 43. (a) For the purposes of this section,
2 the following words and phrases shall have the following
3 meanings:

4 (1) BRIDGE REPLACEMENT. Bridge replacement includes
5 the replacement of existing bridge structures and, if
6 necessary, the realignment of the adjacent approaches.

7 (2) RESURFACING, RESTORATION, AND REHABILITATION.
8 Work undertaken primarily to preserve an existing facility.
9 Restoration and rehabilitation is work required to return the
10 existing pavement or bridge deck, including shoulders, to a
11 condition of adequate structural support or to a condition
12 adequate for placement of an additional state of construction.
13 Resurfacing consists of the placement of additional surface
14 material over the existing, restored, or rehabilitated roadway
15 or bridge deck to improve serviceability or to provide
16 additional strength. Resurfacing, restoration, and
17 rehabilitation work may include changes to geometric features,
18 such as minor widening, flattening curves, or improving sight
19 distances.

20 (b) It is the intent of the Legislature that the
21 proceeds of the tax collected on motor fuel and gasoline under
22 the provisions of this act shall be used in the following
23 manner:

24 (1) Where the use is by the Department of
25 Transportation, the use shall, with the approval of the
26 Governor, be for the construction and maintenance of public
27 roads and bridges on the state highway system.

1 (2) Where the use is by a county, the use shall be
2 for the resurfacing, restoration, and rehabilitation of the
3 paved county roads and bridges or bridge replacement on the
4 county road system. These funds shall not be used for new
5 construction unless 90 percent of the county's paved road
6 system has achieved a grade of 85 percent based on the State
7 of Alabama Department of Transportation's annual maintenance
8 report of county roads and bridges. These funds shall not be
9 used for the purchase of equipment. The net tax proceeds
10 distributed to the county shall not be commingled with other
11 funds of the county, including any other gasoline tax
12 revenues, and shall be kept and disbursed by the county from a
13 special fund only for the purposes hereinabove provided.

14 (3) Where the use is by a municipality, the use
15 shall be for resurfacing, restoration, and rehabilitation of
16 roads, bridges, and streets within the municipality. The use
17 may also be for bridge replacement within the municipality.
18 From time to time, the funds may also be used to construct new
19 roads and streets within the municipality. These funds shall
20 not be commingled with other funds of the municipality,
21 including any other gasoline tax revenues, and shall be kept
22 and disbursed by the municipality from a special fund only for
23 the purposes hereinabove provided.

24 Section 44. Sections 40-17-171, 40-17-174,
25 40-17-220, 40-17-221, and 40-17-223 of the Code of Alabama
26 1975, are hereby amended to read as follows:

27 "§40-17-171.

1 "Every distributor, manufacturer, retail dealer, or
2 storer of lubricating oil, as herein defined, shall pay an
3 excise tax of \$.02 per gallon upon the selling, distributing,
4 or withdrawing from storage in this state for any use
5 lubricating oil as herein defined; provided, that this excise
6 tax shall neither be levied upon the sale of lubricating oil
7 in interstate commerce nor upon any sale of lubricating oil
8 destined for out-of-state use which is transacted in a manner
9 whereby an out-of-state purchaser takes delivery of such oil
10 at a distributor's plant within this state and transports it
11 out-of-state; and provided further that this excise tax shall
12 not be levied on lubricating oil sold to city and county
13 governing bodies, city and county boards of education, the
14 Alabama Institute for Deaf and Blind, the Department of Youth
15 Services school district, and private and church schools as
16 defined in Section 16-28-1, and which offer essentially the
17 same curriculum as offered in grades K-12 in the public
18 schools of this state; and provided further, that where the
19 excise tax of \$.02 per gallon upon the sale of ~~such~~ the
20 lubricating oil shall have been paid by a distributor,
21 manufacturer, retail dealer, or storer, ~~such~~ payment shall be
22 paid but one time by any person so liable. The state
23 Department of Revenue is hereby authorized to issue to the
24 United States certificates of exemption, upon forms prescribed
25 by the department, for use by the United States in purchasing
26 lubricating oil within the State of Alabama and which is paid
27 for by the United States. Any person in reporting and paying

1 said the tax to the department may deduct the number of
2 gallons of lubricating oil so sold to the United States, as
3 shown by such the certificates of exemption duly executed by
4 the United States and filed with such the report; ~~and the.~~ The
5 department is authorized to adopt rules and regulations with
6 respect to the issuance and use of such the certificates.

7 "§40-17-174.

8 ~~"Each person, firm, corporation, or agency selling~~
9 ~~illuminating, lubricating, or fuel oils at wholesale in~~
10 ~~quantities of 25 gallons or more, shall pay to the Department~~
11 ~~of Revenue for the use of the state, within two weeks from the~~
12 ~~beginning of the fiscal year, the sum of one half of one~~
13 ~~percent on the gross sales, excluding all federal, state, and~~
14 ~~local excise taxes, for the preceding fiscal year. The payment~~
15 ~~to the Department of Revenue shall be accompanied by a sworn~~
16 ~~statement verified by the person having knowledge of the facts~~
17 ~~showing the amount of the gross sales of the oils sold in the~~
18 ~~state during the preceding fiscal year. No county license~~
19 ~~shall be charged under this section. The tax shall be paid on~~
20 ~~the first, and only the first, wholesale sales transaction of~~
21 ~~the oils sold in the state. The initial wholesale transaction~~
22 ~~shall be the only point at which the wholesale oil license fee~~
23 ~~is imposed on the oils sold in the state, the intent being~~
24 ~~that the tax shall be paid to the state but once. A copy of~~
25 ~~the statement shall at the same time be filed with the~~
26 ~~Department of Revenue. The books of the person so engaged in~~
27 ~~the business shall be accurately kept and shall show the date,~~

1 character, and quantity of the oils received for sale in this
2 state and the name and post-office address of the person from
3 whom received. The books shall also show the date, character,
4 and quantity of each sale made, together with the name and
5 address of the person to whom sold and, when consigned to an
6 agent for sale in this state, the date, character, and
7 quantity of the consignment, together with the name and
8 address of the agent and place of consignment. The books shall
9 always be open to inspection by the Department of Revenue. Any
10 person failing to make the sworn statement or making a false
11 statement or failing to keep books in substantial compliance
12 with this section shall be guilty of a misdemeanor and upon
13 conviction therefor shall be fined an amount not exceeding
14 five hundred dollars (\$500), and also forfeit to the state
15 three times the amount of the license on the gross sales, but
16 no tax shall be paid to the county.

17 "(a) Each person, firm, corporation, or agency
18 selling diesel fuel in this state, at wholesale, for removal
19 from the terminal using the terminal rack, other than by bulk
20 transfer, shall pay to the Department of Revenue for the use
21 of the state, within two weeks from the beginning of the
22 fiscal year, a wholesale oil license fee equal to
23 three-fourths of one cent per gallon for each gallon of diesel
24 fuel so sold during the preceding fiscal year, including all
25 diesel fuel whether manufactured or imported into the state
26 prior to the sale.

1 "(b) Each importer of diesel fuel into this state,
2 other than by a bulk transfer, for delivery to a destination
3 in this state shall pay to the Department of Revenue for the
4 use of the state within two weeks from the beginning of the
5 fiscal year, an import license fee equal to three-fourths of
6 one cent per gallon for each gallon of diesel fuel imported
7 during the preceding fiscal year; excluding any gallons for
8 which a permissive supplier collected the fee from the
9 importer, in accordance with subsection (c).

10 "(c) A permissive supplier shall collect the import
11 license fee imposed by this section from the person who
12 purchases the diesel fuel for import into this state. The
13 permissive supplier shall remit the fee within two weeks from
14 the beginning of the fiscal year, for each gallon of diesel
15 fuel sold during the preceding fiscal year.

16 "(d) The payment to the Department of Revenue shall
17 be accompanied by a sworn statement verified by the person
18 having knowledge of the facts showing the number of gallons of
19 diesel fuel sold or imported into the state during the
20 preceding fiscal year. No county license shall be charged
21 under this section.

22 "§40-17-220.

23 "(a) There is hereby levied in addition to all other
24 taxes of every kind now imposed by law an excise tax on
25 ~~gasoline~~ and lubricating oil of \$.04 per gallon, which shall
26 be collected as herein provided.

1 "(b) Every manufacturer, distributor, refiner,
2 retail dealer, storer, or user of ~~gasoline or~~ lubricating oil
3 shall collect and pay over to the state Department of Revenue
4 an excise tax of \$.04 per gallon upon the selling, use or
5 consumption, distributing, storing, or withdrawing from
6 storage in this state for any use of ~~gasoline or~~ lubricating
7 oil as defined or otherwise referred to in this article,
8 except ~~gasoline and~~ lubricating oil expressly exempted by the
9 provisions of this article. Provided, that where any excise
10 tax imposed by this section upon the sale, use or consumption,
11 distribution, storage or withdrawal from storage in this state
12 of gasoline or lubricating oil shall have been paid to the
13 state by a manufacturer, distributor, refiner or by any retail
14 dealer, storer, or user, the payments shall be sufficient, the
15 intent being that the tax shall be paid to the state but once.

16 "~~(c) The state Department of Revenue is hereby
17 authorized to issue to the United States certificates of
18 exemption, upon forms prescribed by the department, for use by
19 the United States in purchasing gasoline or lubricating oil
20 taxed by this section within the State of Alabama and which is
21 paid for by the United States. Any person in reporting and
22 paying the tax to the department may deduct the number of
23 gallons of products taxed by this section sold to the United
24 States, as shown by a certificate of exemption duly executed
25 by the United States and filed with a report, and the
26 department is authorized to adopt rules and regulations with
27 respect to the issuance and use of these certificates.~~

1 "~~(d)~~(c) The following are expressly exempted from
2 the provisions of this article:

3 "(1) ~~Gasoline and other fuel~~ Lubricating oil used to
4 ~~propel in~~ aircraft powered by reciprocating engines, ~~any fuel~~
5 ~~used to propel aircraft powered by~~ or jet or turbine engines
6 ~~and lubricating oil used in such aircraft;~~

7 "(2) ~~Gasoline used to propel ships, vessels, barges,~~
8 ~~railroad locomotives, other railroad equipment, and~~
9 ~~lubricating~~ Lubricating oil used in ships, vessels, barges,
10 railroad locomotives, and other railroad equipment;

11 "(3) ~~Gasoline and lubricating~~ Lubricating oil sold
12 to be used for agricultural purposes;

13 "(4) ~~Gasoline and lubricating~~ Lubricating oil sold
14 to governing bodies of counties and incorporated
15 municipalities;

16 "(5) ~~Gasoline and lubricating~~ Lubricating oil sold
17 to be used in off-road vehicles which presently do not require
18 state licensing; specifically, but not limited to, forklifts
19 and other like devices not for use on the streets and highways
20 of this state;

21 "(6) ~~Gasoline and lubricating~~ Lubricating oil sold
22 to city and county boards of education; and

23 "(7) ~~Gasoline and lubricating~~ Lubricating oil sold
24 to private and church school systems as defined in Section
25 16-28-1, and which offer essentially the same curriculum as
26 offered in grades K-12 in the public schools of this state,

1 Alabama Institute for Deaf and Blind, and the Department of
2 Youth Services.

3 "(8) Lubricating oil sold to the United States.

4 ~~"(e) Every distributor or supplier shall collect and
5 pay over to the state Department of Revenue an excise tax of
6 \$.06 per gallon upon the receipt, by any means other than a
7 transfer by a marine vessel or pipeline, of motor fuel from a
8 terminal, refinery, barge, barge line, or pipeline terminal in
9 this state, or upon import into this state by any means other
10 than pipeline, marine vessel, or the fuel supply tank of the
11 vehicle, for any use of motor fuel not exempted by this
12 article. Provided, that where any excise tax imposed by this
13 section shall have been paid to the state by a distributor or
14 supplier the payment shall be sufficient, the intent being
15 that the tax shall be paid to the state but once. Motor fuel
16 that is indelibly dyed and chemically marked in accordance
17 with regulations issued by the Secretary of the Treasury of
18 the United States under 26 U.S.C. §4082 shall be exempt from
19 the tax imposed by this subsection.~~

20 ~~"(f) A licensed distributor may take a credit or
21 request a refund pursuant to the provisions of Section
22 40-2A-7, for the following sales of motor fuel on which the
23 tax has been imposed by this article:~~

24 ~~"(1) Motor fuel sold to the United States.~~

25 ~~"(2) Motor fuel used to propel aircraft powered by
26 jet or turbine engines.~~

1 ~~"(3) Motor fuel sold to governing bodies of counties~~
2 ~~and incorporated municipalities.~~

3 ~~"(4) Motor fuel sold to city and county boards of~~
4 ~~education.~~

5 ~~"(5) Motor fuel sold to the Alabama Institute for~~
6 ~~Deaf and Blind, the Department of Youth Services school~~
7 ~~district, and to private and church school systems as defined~~
8 ~~in Section 16-28-1, and which offer essentially the same~~
9 ~~curriculum as offered in grades K-12 in the public schools of~~
10 ~~this state.~~

11 ~~"(6) Motor fuel sold as kerosene for lighting or~~
12 ~~heating purposes.~~

13 ~~"(7) Motor fuel that is sold from one Alabama~~
14 ~~licensed distributor to another Alabama licensed distributor.~~

15 ~~"(8) Motor fuel which is exported by the licensed~~
16 ~~distributor.~~

17 ~~"(9) Motor fuel used for off-road agricultural~~
18 ~~purposes on the farm.~~

19 ~~"(g) The use of motor fuel on which the tax has been~~
20 ~~imposed and paid under the provisions of this article shall be~~
21 ~~exempt from the tax imposed by this article and the user shall~~
22 ~~be entitled to a refund when motor fuel is used in designated~~
23 ~~off-road vehicles, or other off-road equipment (except marine~~
24 ~~use), or for commercial marine use as defined by the federal~~
25 ~~government or for any of the uses described in subsection (f).~~
26 ~~The end user shall be entitled to apply for a refund on a~~
27 ~~quarterly basis for excise taxes paid according to the~~

1 ~~provisions of this article, subject to the following~~
2 ~~limitations:~~

3 ~~"(1) Applications for refund shall be completed by~~
4 ~~the end user on forms prescribed by the Commissioner of~~
5 ~~Revenue and sworn to by the applicant before some officer~~
6 ~~authorized to administer oaths.~~

7 ~~"(2) The statute of limitations for filing refunds~~
8 ~~is within three years of the date that the motor fuel was~~
9 ~~purchased.~~

10 ~~"(h) Any applicant for the refund of the taxes~~
11 ~~levied herein who willfully files an inaccurate petition or~~
12 ~~false claim for a refund shall be subject to a penalty of 100%~~
13 ~~of the refund claimed, along with interest assessed according~~
14 ~~to the provisions of Section 40-1-44.~~

15 ~~"(i) Notwithstanding the foregoing provisions of~~
16 ~~this section, all motor fuel used by off-road equipment used~~
17 ~~for agricultural purposes shall be exempt from the tax imposed~~
18 ~~by this article at the time of sale. Provided, however, clear~~
19 ~~motor fuel shall only be sold for such purposes if no dyed~~
20 ~~motor fuel is available from the agricultural users supplier.~~

21 ~~"(j) Any person shall pay to the Department of~~
22 ~~Revenue an excise tax of \$.06 per gallon, on:~~

23 ~~"(1) Motor fuel which was allowed as a credit under~~
24 ~~the provisions of this article which is sold for a use not~~
25 ~~allowed as a credit by the provisions of this article.~~

26 ~~"(2) Motor fuel on which no tax has been paid under~~
27 ~~the provisions of this article when it is used to operate a~~

1 highway vehicle not exempted under the provisions of this
2 article.

3 ~~"(3) Motor fuel on which tax imposed by this article~~
4 ~~has been refunded when it is used to operate a highway vehicle~~
5 ~~not exempted under the provisions of this article.~~

6 ~~"(4) Dyed motor fuel used to operate any on-road~~
7 ~~vehicles other than city and county vehicles or used in marine~~
8 ~~craft not used for commercial purposes.~~

9 "§40-17-221.

10 ~~"(a) The provisions of this article pertaining to~~
11 ~~gasoline and the tax herein levied on gasoline shall be~~
12 ~~administered and collected in accordance with Sections~~
13 ~~40-17-30, 40-17-32 through 40-17-37, 40-17-38, 40-17-39~~
14 ~~through 40-17-49, 40-17-52, and 40-17-220, or as otherwise~~
15 ~~provided in this title.~~

16 ~~"(b) The provisions of this article pertaining to~~
17 ~~motor fuel and the tax herein levied on motor fuel shall be~~
18 ~~administered and collected in accordance with Sections~~
19 ~~40-17-1, 40-17-5 through 40-17-9, 40-17-14 through 40-17-20,~~
20 ~~or as otherwise provided in this title.~~

21 ~~"(c) The provisions of this article pertaining to~~
22 ~~lubricating oil and the tax herein levied on lubricating oil~~
23 ~~shall be administered and collected in accordance with~~
24 ~~Sections 40-17-170, 40-17-173, 40-17-176 through 40-17-186, or~~
25 ~~as otherwise provided in this title.~~

26 "§40-17-223.

1 "All revenues received or collected by the
2 Department of Revenue upon the selling, use or consumption,
3 distributing, storing, or withdrawing from storage in this
4 state of ~~gasoline~~ and lubricating oil remaining after the
5 payment of the expense of administration and enforcement of
6 this article are hereby allocated and appropriated in the
7 following manner:

8 "(1) Forty-five percent of the net tax proceeds is
9 hereby allocated and appropriated for state highway purposes
10 and as the state's share of the net tax proceeds. ~~The said 45~~
11 ~~percent of the net tax proceeds shall~~ to be covered into the
12 State Treasury to the credit of the Public Road and Bridge
13 Fund and ~~shall be~~ disbursed as provided in this article.

14 "(2) Fifty-five percent of the net tax proceeds is
15 hereby allocated and appropriated to be used for highway
16 purposes by the counties and municipalities. ~~The said 55~~
17 ~~percent of the net tax proceeds shall~~ to be covered into the
18 State Treasury and ~~shall be~~ disbursed and allocated as
19 hereinafter provided in this section.

20 "a. A portion of the local subdivisions' share of
21 the net tax proceeds that is equal to 25 percent of the net
22 tax proceeds shall be allocated equally among the 67 counties
23 of the state.

24 "b. The entire residue of the local subdivisions'
25 share of the net tax proceeds, being an amount equal to 30
26 percent of the net tax proceeds shall be allocated among the
27 67 counties of the state on the basis of the ratio of the

1 population of each ~~such~~ county to the total population of the
2 state according to the then next preceding federal decennial
3 census, or any special federal census heretofore held in any
4 county subsequent to the effective date of the 1970 Federal
5 Decennial Census. The allocation provided for in this
6 subsection shall be made on or prior to the tenth day of each
7 month with respect to receipts of the ~~highway gasoline~~
8 lubricating oil tax by the state during the preceding month.

9 "c. The distributions provided for in this
10 subdivision shall be made monthly. The amounts allocated or
11 apportioned to each county shall be disposed of as follows:

12 "1. Ten percent of the amount so allocated or
13 apportioned to each county shall be distributed among the
14 municipalities in the county with respect to which the
15 allocation or apportionment is made, each ~~such~~ distribution
16 among the ~~said~~ municipalities to be made on the basis of the
17 ratio of the population of each ~~such~~ municipality to the total
18 population of all municipalities in the applicable county
19 according to the then next preceding federal decennial census.
20 ~~Provided, however, any local laws or general laws of local~~
21 ~~application now in effect regarding the distribution of the~~
22 ~~tax levied by Section 40-17-31 shall govern the distribution~~
23 ~~of the amounts allocated or apportioned within every county by~~
24 ~~this section; provided further, that the Legislature may by~~
25 ~~general or local laws prescribe other distributions within~~
26 ~~counties to local governments; and~~

1 "2. The remaining portion of the amount so allocated
2 or apportioned to each county shall be distributed to the
3 county with respect to which ~~such~~ the allocation or
4 apportionment is made.

5 "d. The population of any municipality incorporated
6 subsequent to the taking of the then next preceding federal
7 decennial census shall be deemed to be the population shown by
8 the census for that municipality taken pursuant to the
9 requirements of Section 11-41-4. Any municipality incorporated
10 after September 30, 1978 shall not participate in the
11 distribution provided for in this section until the fiscal
12 year next succeeding the fiscal year during which it is
13 incorporated, the first distribution to ~~such~~ that municipality
14 to be made in respect of receipts of the ~~highway gasoline~~
15 lubricating oil tax by the state during October of the fiscal
16 year next succeeding ~~the said~~ its incorporation.

17 "e. When requested to do so by any municipality, the
18 Department of Transportation may at its discretion make
19 available the services and advice of its engineers and other
20 employees with respect to any work for which that municipality
21 proposes to expend moneys distributed to it under this
22 subdivision. Any ~~such~~ services and advice that may be so made
23 available shall be provided under ~~such~~ the terms and
24 conditions as may be mutually agreeable to the Department of
25 Transportation and the municipality."

26 Section 45. All general laws or parts of general
27 laws that conflict with this act are repealed. The following

1 sections of the Code of Alabama 1975, are specifically
2 repealed: Sections 40-12-190, 40-12-191, 40-12-192, 40-12-193,
3 40-12-194, 40-12-195, 40-12-196, 40-12-197, 40-12-198,
4 40-12-199, 40-12-200, 40-12-201, 40-12-202, 40-12-204,
5 40-12-205, 40-12-206, 40-17-1, 40-17-2, 40-17-5, 40-17-6,
6 40-17-7, 40-17-8, 40-17-9, 40-17-13, 40-17-14, 40-17-18,
7 40-17-19, 40-17-20, 40-17-22, 40-17-30, 40-17-31, 40-17-32,
8 40-17-33, 40-17-34, 40-17-35, 40-17-36, 40-17-37, 40-17-38,
9 40-17-39, 40-17-40, 40-17-43, 40-17-45, 40-17-49, 40-17-50,
10 40-17-51, 40-17-52, 40-17-70, 40-17-71, 40-17-72, 40-17-73,
11 40-17-74, 40-17-74.1, 40-17-75, 40-17-76, 40-17-77, 40-17-78,
12 40-17-79, 40-17-80, 40-17-81, 40-17-82, ~~40-17-100, 40-17-101,~~
13 ~~40-17-102, 40-17-103, 40-17-104, 40-17-105, 40-17-106,~~
14 ~~40-17-107, 40-17-108,~~ 40-17-120, 40-17-121, 40-17-122,
15 40-17-124, 40-17-125, ~~40-17-174,~~ 40-17-200, 40-17-201,
16 40-17-203, 40-17-222, 40-17-240, 40-17-250, 40-17-290, and
17 40-17-291, 40-17-300, 40-17-301, 40-17-302, 40-17-303,
18 40-17-304, 40-17-305, 40-17-306, 40-17-307, and 40-17-308.

19 Section 46. There is appropriated to the Department
20 of Revenue, as a first charge against the revenues collected
21 under the provisions of this act for the fiscal year ending
22 September 30, 2012, one hundred fifty thousand dollars
23 (\$150,000), to be utilized for the implementation and
24 administration of this act, and every year thereafter as a
25 first charge against the revenues collected under the
26 provisions of this act, an amount of revenue shall be

1 appropriated to the department to offset its costs in the
2 administration of this act.

3 Section 47. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 48. This act shall become effective October
12 1, 2012, following its passage and approval by the Governor,
13 or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Transportation,
Utilities and Infrastructure 31-MAR-11

Read for the second time and placed
on the calendar with 1 substitute
and..... 12-APR-11

Read for the third time and passed
as amended..... 04-MAY-11

Yeas 101, Nays 0, Abstains 0

Greg Pappas
Clerk