



General Assembly

Amendment

February Session, 2006

LCO No. 5157

SB0050205157HRO

Offered by:
REP. WITKOS, 17th Dist.

To: Senate Bill No. 502

File No. 104

Cal. No. 450

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING UNFAIR TRADE PRACTICES AND CASH DISCOUNTS FOR GASOLINE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 12-458 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (a) (1) Each distributor shall, on or before the twenty-fifth day of
7 each month, render a return to the commissioner. Each return shall be
8 signed by the person required to file the return or by his authorized
9 agent but need not be verified by oath. Any return required to be filed
10 by a corporation shall be signed by an officer of such corporation or his
11 authorized agent. Such return shall state the number of gallons of fuel
12 sold or used by him during the preceding calendar month, on forms to
13 be furnished by the commissioner, and shall contain such further

14 information as the commissioner shall prescribe. The commissioner
15 may make public the number of gallons of fuel sold or used by the
16 distributor, as contained in such report, notwithstanding the
17 provisions of section 12-15, as amended, or any other section. For
18 purposes of this section, fuel sold shall include but not be limited to
19 the transfer of fuel by a distributor into a receptacle from which fuel is
20 supplied or intended to be supplied to other than such distributor's
21 motor vehicles.

22 (2) On said date and coincident with the filing of such return each
23 distributor shall pay to the commissioner for the account of the
24 purchaser or consumer a tax (A) on each gallon of such fuels sold or
25 used in this state during the preceding calendar month of twenty-six
26 cents on and after January 1, 1992, twenty-eight cents on and after
27 January 1, 1993, twenty-nine cents on and after July 1, 1993, thirty cents
28 on and after January 1, 1994, thirty-one cents on and after July 1, 1994,
29 thirty-two cents on and after January 1, 1995, thirty-three cents on and
30 after July 1, 1995, thirty-four cents on and after October 1, 1995, thirty-
31 five cents on and after January 1, 1996, thirty-six cents on and after
32 April 1, 1996, thirty-seven cents on and after July 1, 1996, thirty-eight
33 cents on and after October 1, 1996, thirty-nine cents on and after
34 January 1, 1997, thirty-six cents on and after July 1, 1997, thirty-two
35 cents on and after July 1, 1998, and twenty-five cents on and after July
36 1, 2000; and (B) in lieu of said taxes, each distributor shall pay a tax on
37 each gallon of gasohol, as defined in section 14-1, as amended, sold or
38 used in this state during such preceding calendar month, of twenty-
39 five cents on and after January 1, 1992, twenty-seven cents on and after
40 January 1, 1993, twenty-eight cents on and after July 1, 1993, twenty-
41 nine cents on and after January 1, 1994, thirty cents on and after July 1,
42 1994, thirty-one cents on and after January 1, 1995, thirty-two cents on
43 and after July 1, 1995, thirty-three cents on and after October 1, 1995,
44 thirty-four cents on and after January 1, 1996, thirty-five cents on and
45 after April 1, 1996, thirty-six cents on and after July 1, 1996, thirty-
46 seven cents on and after October 1, 1996, thirty-eight cents on and after
47 January 1, 1997, thirty-five cents on and after July 1, 1997, thirty-one

48 cents on and after July 1, 1998, and twenty-four cents on and after July
49 1, 2000, and twenty-five cents on and after July 1, 2004; and (C) in lieu
50 of such rate, on each gallon of diesel fuel, propane or natural gas sold
51 or used in this state during such preceding calendar month, of
52 eighteen cents on and after September 1, 1991, and twenty-six cents on
53 and after August 1, 2002.

54 (3) Said tax shall not be payable on such fuel as may have been (A)
55 sold to the United States, (B) sold to a municipality of this state, (i) for
56 use by any contractor performing a service for such municipality in
57 accordance with a contract, provided such fuel is used by such
58 contractor exclusively for the purposes of and in accordance with such
59 contract, or (ii) for use exclusively in a school bus, as defined in section
60 14-275, (C) sold to a municipality of this state, a transit district of this
61 state, or this state, at other than a retail outlet, for governmental
62 purposes and for use in vehicles owned and operated, or leased and
63 operated by such municipality, such transit district or this state, (D)
64 sold to a person licensed as a distributor in this state under section 12-
65 456, (E) transferred from storage within this state to some point
66 without this state, (F) sold to the holder of a permit issued under
67 section 12-458a for sale or use without this state, (G) sold to the holder
68 of a permit issued under subdivision (63) of section 12-412, as
69 amended, provided (i) such fuel is not used in motor vehicles
70 registered or required to be registered to operate upon the public
71 highways of this state, unless such fuel is used in motor vehicles
72 registered exclusively for farming purposes, (ii) such fuel is not
73 delivered, upon such sale, to a tank in which such person keeps fuel
74 for personal and farm use, and (iii) a statement, prescribed as to form
75 by the Commissioner of Revenue Services and bearing notice to the
76 effect that false statements made under this section are punishable,
77 that such fuel is used exclusively for farming purposes, is submitted by
78 such person to the distributor, (H) sold exclusively to furnish power
79 for an industrial plant in the actual fabrication of finished products to
80 be sold, or for the fishing industry, (I) sold exclusively for heating
81 purposes, (J) sold exclusively to furnish gas, water, steam or electricity,

82 if delivered to consumers through mains, lines or pipes, (K) sold to the
83 owner or operator of an aircraft, as defined in section 15-34,
84 exclusively for aviation purposes, provided (i) for purposes of this
85 subdivision, "aviation purposes" means for the purpose of powering
86 an aircraft or an aircraft engine, (ii) such fuel is delivered, upon such
87 sale, to a tank in which fuel is kept exclusively for aviation purposes,
88 and (iii) a statement, prescribed as to form by the Commissioner of
89 Revenue Services and bearing notice to the effect that false statements
90 made under this section are punishable, that such fuel is used
91 exclusively for aviation purposes, is submitted by such person to the
92 distributor, (L) sold to a dealer who is licensed under section 12-462
93 and whose place of business is located upon an established airport
94 within this state, [or] (M) diesel fuel sold exclusively for use in portable
95 power system generators that are larger than one hundred fifty
96 kilowatts, or (N) sold during the period beginning on the last Monday
97 of May, 2006, known as Memorial Day, and ending the first Monday of
98 September, 2006, known as Labor Day.

99 (4) Each distributor, when making a taxable sale, shall furnish to the
100 purchaser an invoice showing the quantities of fuel sold, the
101 classification thereof under the provisions of this chapter and the
102 amount of tax to be paid by the distributor for the account of the
103 purchaser or consumer.

104 (5) If any distributor fails to pay the amount of tax reported to be
105 due on its report within the time specified under the provisions of this
106 section, there shall be imposed a penalty equal to ten per cent of such
107 amount due and unpaid, or fifty dollars, whichever is greater. The tax
108 shall bear interest at the rate of one per cent per month or fraction
109 thereof from the due date of the tax until the date of payment.

110 (6) If no return has been filed within three months after the time
111 specified under the provisions of this chapter, the commissioner may
112 make such return at any time thereafter, according to the best
113 information obtainable and the form prescribed. There shall be added
114 to the tax imposed upon the basis of such return an amount equal to

115 ten per cent of such tax, or fifty dollars, whichever is greater. The tax
116 shall bear interest at the rate of one per cent per month or fraction
117 thereof from the due date of such tax to the date of payment.

118 (7) Subject to the provisions of section 12-3a, the commissioner may
119 waive all or part of the penalties provided under this chapter when it
120 is proven to his satisfaction that the failure to pay any tax was due to
121 reasonable cause and was not intentional or due to neglect.

122 (8) A distributor who is exclusively making sales of fuel on which
123 the tax imposed by this chapter is not payable may be permitted, as
124 specified in regulations adopted in accordance with the provisions of
125 chapter 54, to file reports less frequently than monthly but not less
126 frequently than annually if the commissioner determines that
127 enforcement of this section would not be adversely affected by less
128 frequent filings. Distributors permitted to file such reports shall
129 maintain records that shall detail (A) the persons from whom the fuel
130 was purchased, (B) the persons to whom, the quantities in which and
131 the dates on which such fuel was sold, and (C) any other information
132 deemed necessary by the commissioner."