

**BILL NO.**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced:**

**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the motor fuel tax; requiring the electronic submission of certain**  
2 **applications and tax returns with the Department of Revenue; and providing for an**  
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 43.05 is amended by adding a new section to read:

6 **Sec. 43.05.055. Electronic submission.** A return, license application, or other  
7 document submitted to the department under this title shall be filed electronically  
8 unless the person submitting the document does not have the technological capability  
9 to do so. The department shall consider the electronic filing as equivalent to paper  
10 filing for purposes of compliance with other requirements of this title. An electronic  
11 filing authorized under this section is equivalent to a paper filing for the purposes of  
12 civil or criminal penalties for violations of this title or AS 11.

13 **\* Sec. 2.** AS 43.40.010(a) is amended to read:

14 (a) In addition to the surcharge levied under AS 43.40.005, there is levied a

1 tax of 16 [EIGHT] cents a gallon on all motor fuel sold or otherwise transferred within  
2 the state, except that

3 (1) the tax on aviation gasoline is 10 [FOUR AND SEVEN-TENTHS]  
4 cents a gallon;

5 (2) the tax on motor fuel used in and on watercraft of all descriptions is  
6 10 [FIVE] cents a gallon;

7 (3) the tax on all aviation fuel other than gasoline is 10 [THREE AND  
8 TWO-TENTHS] cents a gallon; and

9 (4) the tax rate on motor fuel that is blended with alcohol is the same  
10 tax rate a gallon as other motor fuel; however, in an area and during the months in  
11 which fuel containing alcohol is required to be sold, transferred, or used in an effort to  
12 attain air quality standards for carbon monoxide as required by federal or state law or  
13 regulation, the tax rate on motor fuel that is blended with alcohol is six cents a gallon  
14 less than the tax on other motor fuel not described in (1) - (3) of this subsection.

15 \* **Sec. 3.** AS 43.40.010(b) is amended to read:

16 (b) In addition to the surcharge levied under AS 43.40.005, there is levied a  
17 tax of 16 [EIGHT] cents a gallon on all motor fuel consumed by a user, except that

18 (1) the tax on aviation gasoline consumed is 10 [FOUR AND SEVEN-  
19 TENTHS] cents a gallon;

20 (2) the tax on motor fuel used in and on watercraft of all descriptions is  
21 10 [FIVE] cents a gallon;

22 (3) the tax on all aviation fuel other than gasoline is 10 [THREE AND  
23 TWO-TENTHS] cents a gallon; and

24 (4) the tax rate on motor fuel that is blended with alcohol is the same  
25 tax rate a gallon as other motor fuel; however, in an area and during the months in  
26 which fuel containing alcohol is required to be sold, transferred, or used in an effort to  
27 attain air quality standards for carbon monoxide as required by federal or state law or  
28 regulation, the tax rate on motor fuel that is blended with alcohol is six cents a gallon  
29 less than the tax on other motor fuel not described in (1) - (3) of this subsection.

30 \* **Sec. 4.** AS 43.40.013 is amended to read:

31 **Sec. 43.40.013. Collection of the refined fuel surcharge and the motor fuel**

1       **tax.** Every dealer who sells or otherwise transfers refined or motor fuel in the state  
2 shall collect the surcharge and tax required in this chapter at the time of sale, and remit  
3 the total surcharge and tax collected during each calendar month of each year to the  
4 department by the last day of each succeeding month. Every user shall likewise remit  
5 the surcharge and tax required in this chapter and accrued on fuel actually used by the  
6 user during each month. If the monthly return is timely filed, one percent of the total  
7 monthly surcharge and tax due, limited to a maximum of \$100, may be deducted and  
8 retained to cover the expense of accounting and filing the monthly return. **The**  
9 **monthly return must be submitted electronically in a format prescribed by the**  
10 **department.** At the time the remittance is made, each dealer or user shall submit a  
11 statement to the department showing all fuel that the dealer or user has distributed or  
12 used during the month.

13       \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15           **APPLICABILITY.** (a) AS 43.40.010(a) and (b), as amended by secs. 2 and 3 of this  
16 Act, apply to motor fuel sold, transferred, used, or consumed after the effective date of this  
17 Act.

18           (b) AS 43.40.013, as amended by sec. 4 of this Act, applies to the first monthly return  
19 submitted after the first full month after the effective date of this Act.

20       \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22           **TRANSITIONAL PROVISION: REGULATIONS.** The Department of Revenue may  
23 adopt regulations necessary to implement the changes made by this Act. The regulations take  
24 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the  
25 law implemented by the regulation.

26       \* **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

27       \* **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2016.