

1995 RECONVENED SESSION

ENROLLED

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 58.1-1505, 58.1-2106 and 58.1-2118 of the Code of Virginia, relating to the Aircraft Sales and Use Tax and aircraft fuels taxes.

[H 1609]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1505, 58.1-2106, and 58.1-2118 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-1505. Exemptions.

Any aircraft sold to or used by (i) the United States or any of the governmental agencies thereof, (ii) the Commonwealth of Virginia or any political subdivision thereof, ~~or~~ (iii) any airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports, or (iv) *any nonprofit charitable organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ambulance services for low-income medical patients in the Commonwealth* shall be exempt from the tax imposed by this chapter.

§ 58.1-2106. Exemptions from tax.

A. Each dealer, limited dealer, or jobber in motor fuels shall be exempt from the payment of any motor fuel taxes on such motor fuels:

1. Sold and delivered by a dealer in the Commonwealth to the Commonwealth or any political subdivision thereof for the exclusive use by the Commonwealth or any political subdivision thereof; or

2. Sold and delivered by a dealer in the Commonwealth to the United States or its departments, agencies and instrumentalities for the exclusive use by the United States or its departments, agencies and instrumentalities.

The term "exclusive use by the United States or its departments, agencies and instrumentalities" shall be construed to specifically exclude the use of such motor fuel by any person, whether operating under contract with the United States or its departments, agencies and instrumentalities or not, if the original purchase by such person from a dealer would have rendered the dealer liable for the payment of motor fuel taxes under the laws of this Commonwealth.

B. No tax shall be levied or collected pursuant to this article on a motor fuel used for the operation of aircraft by any nonprofit charitable organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ambulance services for low-income medical patients in the Commonwealth.

§ 58.1-2118. Exemptions from tax.

No tax shall be levied or collected pursuant to this article on:

1. Special fuel sold to the United States or its departments, agencies and instrumentalities thereof;

2. Special fuel sold to the Commonwealth of Virginia or any political subdivision thereof;

3. Special fuel sold to any volunteer fire-fighting company or volunteer rescue squad within the Commonwealth for use in equipment used for fire-fighting or rescue purposes;

4. Aviation special fuel sold to aviation consumers *or to nonprofit charitable organizations which are exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which are organized and operated exclusively for the purpose of providing charitable, long-distance, advanced life-support, air ambulance services for low-income medical patients in the Commonwealth;*

5. Liquid petroleum gas, commonly referred to as "LP gas" or "propane gas," sold or delivered to any licensed reseller or bulk user that does not own or operate a motor vehicle propelled by liquefied petroleum gas or maintain storage facilities for resale or delivery of such fuel for highway consumption; or

6. Special fuel delivered into bulk storage facilities of any licensed reseller or bulk user which have an exemption certificate affixed thereto.

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