

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 94

An Act to amend and reenact § 58.1-2706 of the Code of Virginia, relating to credit for payment of motor fuel, diesel fuel or liquefied gases tax.

[H 1934]

Approved March 15, 1999

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-2706 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to sixteen cents per gallon on all motor fuel ~~or~~, diesel fuel ~~or ten cents per gallon on~~ and liquefied gases purchased by such carrier within the Commonwealth for use in its operations either within or without the Commonwealth and upon which *the* motor fuel, diesel fuel or liquefied gases tax imposed by the laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier claiming the credit herein allowed.

B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding quarters or (ii) be refunded, upon application, duly verified and presented and supported by such evidence as may be satisfactory to the Department.

C. The Department may allow a refund upon receipt of proper application and review. It shall be at the discretion of the Department to determine whether an audit is required.

D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of not less than ten days to the applicant and the Attorney General.

E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and Construction Fund.

F. Whenever a person operating under lease to a motor carrier to perform transport services on behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such payments or purchases may, at the discretion of the Department, be considered payment or purchases by the carrier.