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**HOUSE BILL NO. 854**

Offered January 10, 2024

Prefiled January 9, 2024

A *BILL to amend and reenact § 58.1-2217 of the Code of Virginia, relating to rate of tax on gasoline and diesel fuel.*

Patrons—Ennis, Green and Walker

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-2217 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-2217. Taxes levied; rate.**

A. (Contingent expiration date) There is hereby levied an excise tax on gasoline and gasohol as follows:

1. On and after July 1, 2020, but before July 1, 2021, *and on and after July 1, 2024, but before July 1, 2025*, the rate shall be 21.2 cents per gallon;

2. On and after July 1, 2021, but before July 1, 2022, the rate shall be 26.2 cents per gallon; ~~and~~

3. *On and after July 1, 2022, but before July 1, 2024, the rate shall be 26.2 cents per gallon and adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero;*

4. *On and after July 1, 2025, the rate shall be 26.2 cents per gallon adjusted based on the greater of (i) the sum of the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the years 2021 through 2024 or (ii) zero; and*

5. On and after July 1, ~~2022~~ 2026, the rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.

A. (Contingent effective date) There is hereby levied an excise tax on gasoline and gasohol at a rate of 16.2 cents per gallon.

B. (Contingent expiration date) There is hereby levied an excise tax on diesel fuel as follows:

1. On and after July 1, 2020, but before July 1, 2021, *and on and after July 1, 2024, but before July 1, 2025*, the rate shall be 20.2 cents per gallon;

2. On and after July 1, 2021, but before July 1, 2022, the rate shall be 27 cents per gallon; ~~and~~

3. *On and after July 1, 2022, but before July 1, 2024, the rate shall be 27 cents per gallon and adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero;*

4. *On and after July 1, 2025, the rate shall be 27 cents per gallon adjusted based on the greater of (i) the sum of the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the years 2021 through 2024 or (ii) zero; and*

5. On and after July 1, ~~2022~~ 2026, the rate shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero.

B. (Contingent effective date) There is hereby levied an excise tax on diesel fuel at a rate of 20.2 cents per gallon.

C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that contains diesel fuel shall be taxed at the rate levied on diesel fuel.

D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation gasoline shall be liable for the tax at the rate levied on gasoline and gasohol, along with any penalties and interest that may accrue.

E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded

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59 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is  
60 hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded  
61 aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in  
62 any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells  
63 or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for  
64 the tax imposed at the rate levied on diesel fuel, along with any penalties and interest that may accrue.  
65 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,  
66 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and  
67 delivered or used in the Commonwealth.