

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-8-1-.01

Rule Title: Criteria for Governing Bodies of Counties and Incorporated Municipalities to Receive Refund of Motor Fuel Excise Taxes

New; Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 4/23/13

APA-6
10/96

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: 810-8-1-.01

Rule Title: Criteria for Governing Bodies of Counties and Incorporated Municipalities to Receive Refund of Motor Fuel Excise Taxes

X New _____ Amend _____ Repeal _____ Adopt by Reference

- NO This rule has no economic impact.
 YES This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
11. OTHER COMMENTS:

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11/96

**ALABAMA DEPARTMENT OF REVENUE
Business & License Tax Division**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-8-1-.01 Criteria for Governing Bodies of Counties and Incorporated Municipalities to Receive Refund of Motor Fuel Excise Taxes

INTENDED ACTION: Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to establish the eligibility requirements that governing bodies of counties or incorporated municipalities must meet in order to receive motor fuel excise tax refunds.

810-8-1-.22 Exemptions Pertaining to the Additional Excise Tax on Lubricating Oil

INTENDED ACTION: Amend the above rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide a code reference in paragraph (1) and to remove the word "gasoline" from paragraph (1)(e)3. In addition, the department proposes to remove paragraph (2) since it is no longer necessary.

810-8-1-.65 Wholesale Oil License Fee/Import License Fee Return Required

INTENDED ACTION: Adopt new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to establish requirements that a taxpayer file a return even if the entity ceases operations within the prior fiscal year.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **10:00 a.m. on Tuesday, June 18, 2013, in the Office of the Legal Division, Room 3114,** Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at www.revenue.alabama.gov/rulehear.html.

All interested parties may present their views in writing to the **Deputy Commissioner of the Alabama Department of Revenue, Room 4112, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 18, 2013

CONTACT PERSON AT AGENCY:

Patricia Toles
Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380



Michael D. Gamble, Secretary
Alabama Department of Revenue

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810-8-1-.01 Criteria for Governing Bodies of Counties and Incorporated Municipalities to Receive Refund of Motor Fuel Excise Taxes. (NEW RULE)

(1) According to the provisions of Section 40-17-329, Code of Alabama 1975, governing bodies of counties and incorporated municipalities are entitled to a refund of the motor fuel excise taxes under the following conditions:

(a) A licensed governing body of the county or incorporated municipality has the right to apply for a refund on a quarterly basis for the motor fuel excise tax paid to the vendor.

(b) If a licensed incorporated municipality or county governing body purchases motor fuel from a licensed distributor, the licensed distributor has the right to apply for a refund on a monthly basis for the taxes paid by the licensed distributor for motor fuel sold to the licensed exempt agency.

(c) A credit card issuer may apply on a quarterly basis for a refund of the motor fuel excise taxes on sales of taxable motor fuel to a licensed exempt entity if the sale occurs at a retail pump available to the general public and the sale is charged to a credit card issued to the licensed exempt entity.

(2) In order to qualify as a governing body of the county or incorporated municipality, the governing body of the county or incorporated municipality must meet the following requirements:

(a) The governing body of a county or incorporated municipality is that body of the county or incorporated municipality which performs the legislative function and has the ultimate power to determine the policies of the county or incorporated municipality and control the activities of the county or incorporated municipality.

(b) Governing bodies of counties and incorporated municipalities include county commissions and city councils or city commissions or town councils.

(c) Purchases of motor fuel by a governing body of a county or incorporated municipality must be supported by an invoice or other documentation specifically billed to that governing body. It is further required that payments be made directly by the governing body. Any unsubstantiated purchases may result in a refund reduction if payment for the motor fuel is not made from an account controlled solely by the governing body of the county or incorporated municipality.

Author: Bonita Calhoun

Authority: Sections 40-2A-7(a)(5), 40-17-323, and 40-17-329 Code of Alabama 1975

History: