

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1094

Introduced by Assembly Member Arambula
(Principal coauthor: Assembly Member La Malfa)
(Coauthors: Assembly Members Aghazarian, Berryhill, Fuller,
Galgiani, Maze, and Parra)
(Coauthors: Senators Cogdill and Maldonado)

February 23, 2007

~~An act to amend Section 60652 of, and to add Section 60502.3 to,~~
An act to amend, repeal, and add Section 60652 of, and to add and
repeal Section 60502.3 of, the Revenue and Taxation Code, relating to
taxation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1094, as amended, Arambula. Diesel fuel tax: refunds and credits: reimbursement costs.

The Diesel Fuel Tax Law imposes a tax upon each gallon of fuel subject to tax under that law and provides for refunds and credits for certain overpayments of tax.

This bill would, *until January 1, 2012*, allow an ultimate vendor or a licensed supplier to claim reimbursement costs of \$0.025 per gallon, with respect to claims or credits filed for tax-paid diesel fuel sold to an ultimate purchaser for use on a farm for farming purposes, as provided, and would make an appropriation therefor.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60502.3 is added to the Revenue and
2 Taxation Code, to read:

3 60502.3. (a) In addition to the refund of a tax paid on, or a
4 credit for, diesel fuel sold to an ultimate purchaser pursuant to
5 Sections 60502 and 60508.2, an ultimate vendor or a licensed
6 supplier shall be permitted to claim reimbursement for the costs
7 associated with filing the claim for refund of the tax paid on, or
8 claiming a credit for, diesel fuel sold to an ultimate purchaser for
9 use on a farm for farming purposes.

10 (b) An ultimate vendor may claim reimbursement for its costs
11 at a rate of two and one-half cents (\$0.025) per gallon on the
12 gallons of diesel fuel sold to an ultimate purchaser for use on a
13 farm for farming purposes and claimed on a claim for refund filed
14 electronically with the board.

15 (c) A licensed supplier may claim reimbursement for its costs
16 at a rate of two and one-half cents (\$0.025) per gallon on the
17 gallons of tax-paid diesel fuel sold to an ultimate purchaser for
18 use on a farm for farming purposes that are claimed as a credit in
19 lieu of a refund pursuant to Section 60508.2 on the supplier's tax
20 return filed electronically with the board.

21 (d) This section shall apply only to diesel fuel sold to an ultimate
22 ~~purchaser on or after January 1, 2008.~~ *purchaser on or after*
23 *January 1, 2008, and before January 1, 2012.*

24 (e) *This section shall remain in effect only until January 1, 2012,*
25 *and as of that date is repealed.*

26 SEC. 2. Section 60652 of the Revenue and Taxation Code is
27 amended to read:

28 60652. Notwithstanding Section 13340 of the Government
29 Code, all moneys deposited in the account under this part are
30 hereby continuously appropriated, without regard to fiscal years,
31 as follows:

- 32 (a) To pay the refunds authorized in this part.
- 33 (b) To pay the reimbursements authorized by Section 60502.3.
- 34 (c) The balance shall be transferred to the Highway Users Tax
35 Account in the Transportation Tax Fund as provided in this chapter.
- 36 (d) *This section shall remain in effect only until January 1, 2012,*
37 *and as of that date is repealed.*

1 *SEC. 3. Section 60652 is added to the Revenue and Taxation*
2 *Code, to read:*

3 *60652. Notwithstanding Section 13340 of the Government*
4 *Code, all moneys deposited in the account under this part are*
5 *hereby continuously appropriated, without regard to fiscal years,*
6 *as follows:*

7 *(a) To pay the refunds authorized in this part.*

8 *(b) The balance shall be transferred to the Highway Users Tax*
9 *Account in the Transportation Tax Fund as provided in this*
10 *chapter.*

11 *(c) This section shall become operative on January 1, 2012.*

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