1   HOUSE BILL NO. 6001

2   AMENDMENT IN THE NATURE OF A SUBSTITUTE

3   (Proposed by the House Committee on Finance

4   on April 19, 2022)

5   (Patron Prior to Substitute--Delegate Durant)

6   A BILL to amend and reenact § 58.1-2217 of the Code of Virginia, relating to motor fuel tax; rate of

7   taxation; emergency.

8   **Be it enacted by the General Assembly of Virginia:**

9   **1. That § 58.1-2217 of the Code of Virginia is amended and reenacted as follows:**

10   **§ 58.1-2217. Taxes levied; rate.**

11   A. (For contingent expiration date, see Acts 2020, cc. 1230 and 1275) There is hereby levied an

12   excise tax on gasoline and gasohol as follows:

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

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

15   3. On and after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the

16   change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as

17   published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year, not to

18   exceed five percent in any such year, or (ii) zero. In any year where the annual adjustment of the CPI-U

19   change would exceed five percent, the amount that such adjustment would exceed five percent shall be

20   added to the annual adjustment in the following year. If adding such amount to the annual adjustment in

21   the following year would cause the following year's total annual adjustment to exceed five percent, then

22   the difference between such total annual adjustment and five percent shall be applied in the next following

23   year, as applicable.

24   A. (For contingent effective date, see Acts 2020, cc. 1230 and 1275) There is hereby levied an

25   excise tax on gasoline and gasohol at a rate of 16.2 cents per gallon.

26   B. (For contingent expiration date, see Acts 2020, cc. 1230 and 1275) There is hereby levied an

27   excise tax on diesel fuel as follows:

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

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

30   3. On and after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the

31   change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as

32   published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year, not to

33   exceed five percent in any year, or (ii) zero. In any year where the annual adjustment of the CPI-U change

34   would exceed five percent, the amount that such adjustment would exceed five percent shall be added to

35   the annual adjustment in the following year. If adding such amount to the annual adjustment in the

36   following year would cause the following year's total annual adjustment to exceed five percent, then the

37   difference between such total annual adjustment and five percent shall be applied in the next following

38   year, as applicable.

39   B. (For contingent effective date, see Acts 2020, cc. 1230 and 1275) There is hereby levied an

40   excise tax on diesel fuel at a rate of 20.2 cents per gallon.

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

42   that contains diesel fuel shall be taxed at the rate levied on diesel fuel.

43   D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,

44   whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway

45   vehicles any aviation gasoline shall be liable for the tax at the rate levied on gasoline and gasohol, along

46   with any penalties and interest that may accrue.

47   E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or

48   acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax at

49   the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded

50   aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is hereby

51   levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded aviation jet

52   fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in any fiscal

53 year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers

54 for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for the tax

55 imposed at the rate levied on diesel fuel, along with any penalties and interest that may accrue.

56   F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,

57 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and delivered

58 or used in the Commonwealth.

59 **2. That no later than June 1, 2022, a $50 rebate shall be sent to the residence address maintained by**

60 **the Department of Motor Vehicles as required by §§ 46.2-600 and 46.2-606 of the Code of Virginia**

61 **of owners of qualifying vehicles as such term is defined in § 58.1-3523, excluding (i) motorcycles and**

62 **autocycles as such terms are defined in § 46.2-100 of the Code of Virginia and (ii) electric motor**

63 **vehicles as such term is defined in § 46.2-770 of the Code of Virginia. Such qualifying vehicles must**

64 **have an active registration with the Virginia Department of Motor Vehicles as of May, 20, 2022, in**

65 **order to be eligible for a rebate under this enactment. No more than two rebates shall be sent to any**

66 **address for owners of qualifying vehicles and shall be payable to the registered owner of the two**

67 **qualifying vehicles most recently registered under § 46.2-600 of the Code of Virginia.**

68 **3. That an emergency exists and this act is in force from its passage.**

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