

MOTOR FUEL TAX AMENDMENT ACT, 1992**CHAPTER 17**

Assented to June 5, 1992.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. *Section 1 of the Motor Fuel Tax Act, S.B.C. 1985, c. 76, is amended*

(a) by adding the following definition:

"alcohol based fuel" means fuel of which at least 85% is ethanol or methanol or a combination of both; ,

(b) by repealing the definition of "aviation fuel" and substituting the following:

"aviation fuel" means fuel that is

(a) produced specifically for use in an aircraft that is not propelled by a turbine, and

(b) used in an aircraft as fuel for the engine that propels the aircraft; ,

(c) by repealing the definition of "coloured fuel" and substituting the following:

"coloured fuel" means

(a) fuel dyed in accordance with the regulations,

(b) liquefied petroleum gas that is used for a purpose for which coloured fuel is authorized to be used under section 13, and

(c) alcohol based fuel that is used for a purpose for which coloured fuel is authorized to be used under section 13; ,

(d) by repealing the definition of "gasoline" and substituting the following:

"gasoline" means fuel that is not alcohol based fuel, aviation fuel, coloured fuel, jet fuel, leaded gasoline, liquefied petroleum gas, locomotive fuel, marine bunker fuel, natural gas, marine diesel fuel or motive fuel; ,

(e) by adding the following definition:

"jet fuel" means fuel that is

(a) produced specifically for use in an aircraft that is propelled by a turbine, and

(b) used in an aircraft as fuel for the turbine that propels the aircraft; ,
and

(f) in the definition of "mineral" by striking out "dolomite".

2. *Section 2 (1)(a) is repealed and the following substituted:*

- (a) alcohol based fuel, compressed natural gas or liquefied petroleum gas, if the fuel is purchased to propel a motor vehicle, .

3. *Section 2 (2) is amended by striking out "gasoline, leaded gasoline" wherever it appears and substituting "gasoline or leaded gasoline".*

4. *Section 3 is repealed and the following substituted:*

Taxation of cleaner motor vehicle fuels

- 3.** For the purpose of the *Social Service Tax Act*, a fuel referred to in section 2 (1) (a) that is purchased to propel a motor vehicle shall be deemed to be liable to be taxed under this Act.

5. *Sections 4 to 7 are repealed and the following substituted:*

Tax on gasoline and leaded gasoline

- 4.** (1) A person who is a purchaser of gasoline or leaded gasoline shall pay to the government, at the time of purchase, tax on the fuel at the following applicable rate:
- (a) 10¢ per litre on gasoline;
- (b) 12¢ per litre on leaded gasoline.
- (2) A person who uses gasoline or leaded gasoline on which tax is not otherwise payable under this section shall pay to the government on or before the 15th day of the month following the month in which the fuel is used, tax on that fuel at the applicable rate established by subsection (1).

Tax on coloured fuel

- 5.** (1) A person who is a purchaser of coloured fuel shall pay to the government, at the time of purchase, tax on the fuel at the rate of 3¢ per litre.
- (2) A person who uses coloured fuel for a purpose authorized by section 13 and on which tax is not otherwise payable under this section shall pay to the government, on or before the 15th day of the month following the month in which the fuel is used, tax on that fuel at the rate established by subsection (1).

Tax on marine diesel fuel and locomotive fuel

5.1 (1) A person who is a purchaser of marine diesel fuel or locomotive fuel shall pay to the government, at the time of purchase, tax on the fuel at the rate of 3¢ per litre.

(2) A person who uses marine diesel fuel or locomotive fuel on which tax is not otherwise payable under this section shall pay to the government, on or before the 15th day of the month following the month in which the fuel is used, tax on that fuel at the rate established by subsection (1).

(3) A person who is not a purchaser but who, within British Columbia, transfers marine diesel fuel or locomotive fuel,

(a) for the person's own use or for use by another person at the first person's expense, or

(b) on behalf of or as agent for a principal for use by the principal or by another person at the principal's expense,

into the receptacle that supplies the turbine or other engine of a ship or of any rolling stock or other vehicle run on rails shall pay to the government, at the time of the transfer, tax on the fuel at the rate established by subsection (1).

Tax on jet fuel

6. (1) A person who is a purchaser of jet fuel shall pay to the government, at the time of purchase, tax on the fuel at the rate of 5¢ per litre.

(2) A person who uses jet fuel on which tax is not otherwise payable under this section shall pay to the government, on or before the 15th day of the month following the month in which the fuel is used, tax on that fuel at the rate established by subsection (1).

(3) A person who is not a purchaser but who, within British Columbia, transfers jet fuel,

(a) for the person's own use or for use by another person at the first person's expense, or

(b) on behalf of or as agent for a principal for use by the principal or by another person at the principal's expense,

into the receptacle that supplies the turbine of an aircraft shall pay to the government, at the time of the transfer, tax on the fuel at the rate established by subsection (1).

Tax on aviation fuel

7. (1) A person who is a purchaser of aviation fuel shall pay to the government, at the time of purchase, tax on the fuel at the rate of 3¢ per litre.

- (2) A person who uses aviation fuel on which tax is not otherwise payable under this section shall pay to the government, on or before the 15th day of the month following the month in which the fuel is used, tax on that fuel at the rate established by subsection (1).
- (3) A person who is not a purchaser but who, within British Columbia, transfers aviation fuel,
 - (a) for the person's own use or for use by another person at the first person's expense, or
 - (b) on behalf of or as agent for a principal for use by the principal or by another person at the principal's expense,into the receptacle that supplies the engine of an aircraft shall pay to the government, at the time of the transfer, tax on the fuel at the rate established by subsection (1).

6. *Section 8 (b) is repealed and the following substituted:*

- (b) uses natural gas on which tax is not otherwise payable under this section.

7. *Section 9 is repealed and the following substituted:*

Tax on motive fuel

- 9. (1) A person who is a purchaser of motive fuel shall pay to the government, at the time of purchase, tax on the fuel at the rate of 10.5¢ per litre.
- (2) A person who uses motive fuel on which tax is not otherwise payable under this section shall pay to the government, on or before the 20th day of the month following the month in which the fuel is used, tax on that fuel at the rate established by subsection (1).

8. *Section 10 (b) and (c) is repealed and the following substituted:*

- (b) is not a purchaser but who, within British Columbia, transfers marine bunker fuel,
 - (i) for the person's own use or for use by another person at the first person's expense, or
 - (ii) on behalf of or as agent for a principal for use by the principal or by another person at the principal's expense,into the receptacle that supplies the turbine or other engine of a ship, or

- (c) uses marine bunker fuel on which tax is not otherwise payable under this section.

9. *Section 18 (1) is repealed and the following substituted:*

- (1) If a handicapped person who is 16 years of age or older owns or leases a motor vehicle and has paid tax imposed by this Act on fuel used to propel the motor vehicle, the director shall pay to the person from the consolidated revenue fund a refund equal to the tax paid up to a maximum aggregate refund amount of \$300 during the period from August 1 in any year to July 31 in the following year.

10. *Section 19 is repealed and the following substituted:*

Motive fuel refund

- 19.** If a person purchases, for the operation of a private passenger motor vehicle, motive fuel on which tax imposed by section 9 has been paid, the director shall pay to the person from the consolidated revenue fund a refund of 0.5¢ per litre on the motive fuel purchased.
- 11.** *Section 53 (1) is amended by striking out "section 2 (2), 4, 5, 5.1, 6, 8," and substituting "section 2 (2), 4, 5, 5.1, 6, 7, 8,".*
- 12.** *Section 60 (1) (j) (ii) is repealed and the following substituted:*
- (ii) would otherwise be taxable under section 4, 6, 7 or 9, .

Sunset of exemptions on cleaner fuels

- 13.** *Sections 2 (1) (a) and 3 are repealed on March 31, 1997.*

Repeal of amendments not in force

- 14.** *Those provisions of the Motor Fuel Tax Amendment Act, 1987, S.B.C. 1987, c. 13, listed in section 16 (3) of that Act that are not in force are repealed.*

Commencement

- 15.** This Act comes into force on April 1, 1992 and is retroactive to the extent necessary to give it effect on and after that date.