
A BILL FOR AN ACT

RELATING TO FUEL TAX.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 243-4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Every distributor, in addition to any other taxes
4 provided by law, shall pay a license tax to the department of
5 taxation for each gallon of liquid fuel refined, manufactured,
6 produced, or compounded by the distributor and sold or used by
7 the distributor in the State or imported by the distributor, or
8 acquired by the distributor from persons who are not licensed
9 distributors, and sold or used by the distributor in the State.
10 Any person who sells or uses any liquid fuel, knowing that the
11 distributor from whom it was originally purchased has not paid
12 and is not paying the tax thereon, shall pay such tax as would
13 have applied to such sale or use by the distributor. The rates
14 of tax imposed are as follows:

15 (1) For each gallon of diesel oil, 2 cents[+], except for
16 diesel oil sold for use in a power-generating
17 facility, 1 cent; provided that each entity that uses
18 diesel oil in a power-generating facility shall



1 certify annually to the public utilities commission,
2 on a form to be supplied by the commission, that the
3 reduced rate paid by the entity under this paragraph
4 reduces costs to ratepayers;

5 (2) For each gallon of gasoline or other aviation fuel
6 sold for use in or used for airplanes, 2 cents;

7 (3) For each gallon of naphtha sold for use in a power-
8 generating facility, 1 cent;

9 (4) For each gallon of liquid fuel, other than fuel
10 mentioned in paragraphs (1), (2), and (3), and other
11 than an alternative fuel, sold or used in the city and
12 county of Honolulu, or sold in any county for ultimate
13 use in the city and county of Honolulu, 17 cents state
14 tax, and in addition thereto an amount, to be known as
15 the "city and county of Honolulu fuel tax", as shall
16 be levied pursuant to section 243-5;

17 (5) For each gallon of liquid fuel, other than fuel
18 mentioned in paragraphs (1), (2), and (3), and other
19 than an alternative fuel, sold or used in the county
20 of Hawaii, or sold in any county for ultimate use in
21 the county of Hawaii, 17 cents state tax, and in
22 addition thereto an amount, to be known as the "county



1 of Hawaii fuel tax", as shall be levied pursuant to
2 section 243-5;

3 (6) For each gallon of liquid fuel, other than fuel
4 mentioned in paragraphs (1), (2), and (3), and other
5 than an alternative fuel, sold or used in the county
6 of Maui, or sold in any county for ultimate use in the
7 county of Maui, 17 cents state tax, and in addition
8 thereto an amount, to be known as the "county of Maui
9 fuel tax", as shall be levied pursuant to section 243-
10 5; and

11 (7) For each gallon of liquid fuel, other than fuel
12 mentioned in paragraphs (1), (2), and (3), and other
13 than an alternative fuel, sold or used in the county
14 of Kauai, or sold in any county for ultimate use in
15 the county of Kauai, 17 cents state tax, and in
16 addition thereto an amount, to be known as the "county
17 of Kauai fuel tax", as shall be levied pursuant to
18 section 243-5.

19 If it is shown to the satisfaction of the department, based
20 upon proper records and from any other evidence as the
21 department may require, that liquid fuel, other than fuel
22 mentioned in paragraphs (1), (2), and (3), is used for



1 agricultural equipment that does not operate upon the public
2 highways of the State, the user thereof may obtain a refund of
3 all taxes thereon imposed by this section in excess of 1 cent
4 per gallon. The department shall adopt rules to administer such
5 refunds."

6 SECTION 2. Act 103, Session Laws of Hawaii 2007, is
7 amended by amending section 5 to read as follows:

8 "SECTION 5. This Act shall take effect upon its approval;
9 provided that:

- 10 (1) The amendments made to this Act to[+
 - 11 ~~(A) The definition of "power-generating facility" in~~
 - 12 ~~section 243-1, Hawaii Revised Statutes; and~~
 - 13 ~~(B) Section]~~ section 243-4(a), Hawaii Revised
 - 14 Statutes[+], shall be repealed on December 31,
 - 15 2009, and section 243-4(a), Hawaii Revised
 - 16 Statutes, shall be reenacted in the form in which
 - 17 it read on the day before the effective date of
 - 18 this Act; and

- 19 (2) The rate of tax for naphtha as provided for in section
- 20 243-4(a)(3), Hawaii Revised Statutes, shall be
- 21 effective retroactively and apply to any imposition of



1 the fuel tax on naphtha sold for use in a power-
2 generating facility."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2009;
6 provided that the exception for diesel oil sold for use in a
7 power-generating facility under section 243-4(a)(1), Hawaii
8 Revised Statutes, shall apply to taxable years beginning after
9 December 31, 2008; and provided further that the amendments made
10 to section 243-4, Hawaii Revised Statutes, by this Act shall not
11 be repealed when that section is reenacted on December 31, 2009,
12 pursuant to section 5 of Act 103, Session Laws of Hawaii 2007.



Report Title:

Fuel Tax; License Tax; Diesel Oil; Power-Generating Facility

Description:

Reduces the license tax on diesel oil from 2 cents to 1 cent for entities that use diesel oil in a power-generating facility; provided that the entity paying the reduced rate must certify annually to the public utilities commission, on a form to be supplied by the commission, that the reduced rate paid by the entity reduces costs to ratepayers. (HB2922 SD2)

