

1972 Bill 27

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First Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 27**

The Fuel Oil Tax Amendment Act, 1972

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THE PROVINCIAL TREASURER

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 27

1972

## THE FUEL OIL TAX AMENDMENT ACT, 1972

(Assented to \_\_\_\_\_, 1972)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Fuel Oil Tax Act is hereby amended.*

2. *Section 2, clause (i) is amended by striking out sub-clause (i) and by substituting the following:*

(i) a member of the Enforcement Division of the Department of Highways and Transport, or

3. *Section 3 is amended*

(a) *by striking out subsection (3) and by substituting the following:*

(3) Except as provided in subsection (4), where diesel fuel or liquefied petroleum gas is brought into Alberta in the fuel system of a motor vehicle (other than a railway locomotive) then tax is payable under this section on the diesel fuel or liquefied petroleum gas that is consumed in Alberta.

(b) *as to subsection (4) by striking out clause (b) and by substituting the following:*

(b) operates into a place outside Alberta or from a place outside Alberta, and

4. *Section 5 is amended*

(a) *by striking out subsection (3) and by substituting the following:*

(3) Except as provided in subsection (4), where diesel fuel or liquefied petroleum gas is brought into Alberta in the fuel system of a motor vehicle (other than a railway locomotive) then tax is payable under this section on the diesel fuel or liquefied petroleum gas that is consumed in Alberta.

## Explanatory Notes

**1.** This Bill will amend chapter 153 of the Revised Statutes of Alberta, 1970.

**2.** Section 2, clause (i), subclause (i) presently reads:

- (i) "officer" means
  - (i) a member of the Inspection Service Branch of the Department of the Attorney General, or

**3.** Section 3, subsections (3) and (4) presently read:

(3) Except as provided in subsection (4), where fuel oil is brought into Alberta in the fuel system of a motor vehicle (other than a railway locomotive) from a jurisdiction where no tax is payable on that fuel oil at the time it is bought, then tax is payable under this section on the fuel oil that is consumed in Alberta.

(4) Where a motor vehicle (other than a railway locomotive)

- (a) operates on diesel fuel or liquefied petroleum gas,
- (b) operates into or from a jurisdiction where no tax is payable on diesel fuel or liquefied petroleum gas at the time it is bought, and
- (c) the Minister has issued a permit with respect to the motor vehicle authorizing the payment of the tax on the basis of the actual consumption of fuel by that vehicle in Alberta,

then tax is payable in accordance with the amount of diesel fuel or liquefied petroleum gas consumed in Alberta, at the time and in the manner specified in the regulations.

The amendments to subsections (3) and (4) provide uniformity with other Western Provinces by remedying a situation whereby interprovincial truckers fuel up in another taxing Province, operate in Alberta paying no tax to Alberta, and receive Alberta consumption tax credit from the taxing Province.

**4.** Section 5, subsections (3) and (4) presently read:

(3) Except as provided in subsection (4), where fuel oil is brought into Alberta in the fuel system of a motor vehicle (other than a railway locomotive) from a jurisdiction where no tax is payable on that fuel oil at the time it is bought, then tax is payable under this section on the fuel oil that is consumed in Alberta.

(4) Where a motor vehicle (other than a railway locomotive)

- (a) operates on diesel fuel or liquefied petroleum gas,
- (b) operates into or from a jurisdiction where no tax is payable on diesel fuel or liquefied petroleum gas at the time it is bought, and
- (c) the Minister has issued a permit with respect to the motor vehicle authorizing the payment of the tax on the basis of the actual consumption of fuel by that vehicle in Alberta,

then tax is payable in accordance with the amount of diesel fuel or liquefied petroleum gas consumed in Alberta, at the time and in the manner specified in the regulations.

See note to section 3.

(b) *as to subsection (4) by striking out clause (b) and by substituting the following:*

(b) **operates into a place outside Alberta or from a place outside Alberta, and**

5. *Section 9, subsection (2) is amended by striking out the words "section 16," and by substituting the words "section 16, 17 or 17.1,".*

6. *Section 16, subsection (1) is amended by striking out the words "Any person who uses" and by substituting the words "Any person who uses or has".*

7. *Section 17 is amended*

(a) *as to subsection (1), clause (a) by striking out the words "and identifying the fuel oil" and by substituting the words "and correctly identifying the fuel oil",*

(b) *as to subsection (4) by striking out the words "not more than \$50" and by substituting the words "not less than \$50 and not more than \$100".*

8. *The following section is added after section 17:*

**17.1 (1) A person who**

(a) **adds any substance of any nature to fuel oil with intent to remove or affect or change the colour or identity thereof, or**

(b) **tampers with or manipulates fuel oil or subjects it to any process with intent to remove or affect or change the colour thereof**

**is guilty of an offence and liable on summary conviction to a fine of not less than \$50 and not more than \$100.**

**(2) Proof of any addition, tampering or manipulation or subjection shall be received in evidence as prima facie proof of the intent to remove or affect or change the colour or identity of the fuel oil.**

9. *Section 18, subsection (1) is amended by striking out the words "not more than \$50" and by substituting the words "not less than \$50 and not more than \$100".*

10. *Section 19, subsection (1) is amended by striking out the words "not more than \$50" and by substituting the words "not less than \$50 and not more than \$100".*

11. *This Act comes into force on the day upon which it is assented to.*

**5. Section 9, subsection (2) presently reads:**

(2) Where the Minister finds that tax payable pursuant to section 3 or section 5, or both, has not been paid by reason of the commission of an offence for which a conviction has been entered under section 16, he may

**6. Section 16, subsection (1) presently reads:**

16. (1) Any person who uses marked fuel in the fuel system of a motor vehicle of which he is the owner or driver and which is registered or required to be registered pursuant to The Highway Traffic Act or The Public Service Vehicles Act or an equivalent statute in another jurisdiction, is guilty of an offence unless the marked fuel is being used

- (a) in the engine of a motor vehicle when the engine is being used as a stationary engine and is receiving the fuel from a fuel tank that is not in or on the vehicle and that does not supply the engine when used to propel the motor vehicle, or
- (b) in the fuel system of a truck owned or operated by a farmer or his employee and in respect of which an "F" licence or a special farm truck licence, but no licence of any other class, has been issued pursuant to The Highway Traffic Act or The Public Service Vehicles Act, or
- (c) in the fuel system of a transit bus owned, controlled and operated by a city within its corporate limits.

**7. Section 17, subsection (1), clause (a) and subsection (4) presently read:**

17. (1) The driver of a motor vehicle used in the business of transporting or delivering fuel oil

- (a) shall have in his possession in that motor vehicle at all times an invoice or bill of lading covering the fuel oil cargo being carried on or by the vehicle and identifying the fuel oil as marked or unmarked fuel, as the case may be, and

(4) Any driver who fails to produce to an officer an invoice or bill of lading required pursuant to this section is guilty of an offence and is liable upon summary conviction to a fine of not more than \$50.

**8. Prohibition on tampering with fuel oil.**

**9. Section 18, subsection (1) presently reads:**

18. (1) A person who contravenes section 8 is guilty of an offence and is liable upon summary conviction to a fine of not more than \$50.

**10. Section 19, subsection (1) presently reads:**

19. (1) Any person who fails or neglects to keep a record or make a return required by this Act or the regulations is guilty of an offence and is liable upon summary conviction to a fine of not more than \$50.