

138.341 Refund of tax on fuel used in aircraft -- Bond -- Assignment of right to receive refund.

- (1) When gasoline or special fuel on which the tax has been paid pursuant to the provisions of KRS 138.210 to 138.340 has been used for the purpose of operating any aircraft engaged in the transportation of persons or property, the purchaser of the liquid fuel so used shall be reimbursed for the tax paid. No tax shall be refunded except that paid upon the fuel used exclusively in aircraft motors.
- (2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond with approved surety in an amount of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) to be determined by the Department of Revenue, conditioned upon faithful compliance with this section and KRS 138.342 and upon the payment to the Commonwealth of any refunds to which he was not entitled.
- (3) The right to receive any refund pursuant to subsection (1) of this section shall be assignable by the purchaser to the seller of the gasoline or special fuel if the seller has posted a bond with the department and the aviation gasoline or special fuel purchased by the assignor is delivered directly into the fuel tank of aircraft owned or operated by him or his authorized agent. Any assignment shall be evidenced by noting upon the face and all copies of the retail sale invoice the following: "TAX REFUND ASSIGNED TO SELLER. Signed: (Purchaser or Agent.)"

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 85, sec. 369, effective June 20, 2005. -- Amended 1990 Ky. Acts ch. 98, sec. 6, effective July 13, 1990; and sec. 6, subsec. 1, effective January 1, 1991. -- Amended 1988 Ky. Acts ch. 285, sec. 15, effective August 1, 1988. -- Amended 1948 Ky. Acts ch. 94, sec. 1. -- Amended 1946 Ky. Acts ch. 246, sec. 1. -- Created 1942 Ky. Acts ch. 157, secs. 1, 2, and 4.

Formerly codified as KRS 138.345.