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State of South Carolina  
**Department of Revenue**  
301 Gervais Street, P. O. Box 125, Columbia, South Carolina 29214  
Website Address: <http://www.sctax.org>

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SC REVENUE RULING # 05-3

**SUBJECT:** Aviation Gasoline  
(Sales and Use)

**EFFECTIVE DATE:** Applies to all periods open under the statute.

**SUPERSEDES:** All previous documents and any oral directives in conflict herewith.

**MODIFIES:** SC Revenue Ruling #97-12

**REFERENCES:** S. C. Code Ann. Section 55-5-280 (House Bill 4537 of 2004)  
S. C. Code Ann. Section 55-5-20(12) (House Bill 4537 of 2004)

**AUTHORITY:** S. C. Code Ann. Section 12-4-320 (2000)  
S. C. Code Ann. Section 1-23-10(4) (Supp. 2003)  
SC Revenue Procedure #03-1

**SCOPE:** The purpose of a Revenue Ruling is to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of tax law to a specific set of facts or a general category of taxpayers. **A Revenue Ruling does not have the force or effect of law, and is not binding on the public.** It is, however, the Department's position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or advisory opinion.

Question:

What is "aviation gasoline" for purposes of crediting the "tax on aviation gasoline" to the State Aviation Fund under Code Section 55-5-280?

Conclusion:

It is the opinion of the Department that, for sales made on or after January 13, 2005, "aviation gasoline" for purposes of crediting the "tax on aviation gasoline" to the State Aviation Fund under Code Section 55-5-280 is:

(1) gasoline meeting the definition and specifications contained in the “Standard Specification for Aviation Gasoline” (D 910) in the “Annual Book of ASTM Standards, Section 5, Volume 05.01” published by the American Society for Testing and Materials (“ASTM”); and,

(2) aviation turbine fuels meeting the definition and specifications contained in the “Standard Specification for Aviation Turbine Fuels” (D 1655) in the “Annual Book of ASTM Standards, Section 5, Volume 05.01” published by the American Society for Testing and Materials (“ASTM”).

However, in order for the sales and use tax on aviation gasoline, as defined above, to be credited the State Aviation Fund under Code Section 55-5-280 such aviation gasoline must have been sold for use in an airplane.

Note: Since automotive gasoline is not “manufactured exclusively for use in airplanes,” automotive gasoline used in an airplane is not to be credited the State Aviation Fund under Code Section 55-5-280.

#### Law and Discussion:

Effective January 13, 2005, several provisions of “The Uniform State Aeronautical Regulatory Act” (Chapter 5 of Title 55) were amended when House Bill 4537 of 2004 became law without the Governor’s signature.

Code Section 55-5-280 now reads:

All moneys received from licensing of airports, landing fields or air schools, funds appropriated for aviation grants, the tax on aviation gasoline and fees for other licenses issued under this chapter shall be paid into the State Treasury and credited to the fund known as the ‘State aviation fund.’ (Emphasis added.)

Code Section 55-5-20(12) now reads:

Notwithstanding any other provisions of law, ‘aviation gasoline’ means gasoline and aviation jet fuel manufactured exclusively for use in airplanes and sold for such purposes.

In SC Revenue Ruling #97-12, it was determined that the “tax on aviations gasoline” is the sales or use tax and that automotive gasoline used in airplanes is not to be credited to the “State Aviation Fund” since it is not manufactured exclusively for use in airplanes. The above amendments do not change these conclusions.

However, House Bill 4537 of 2004 did change the definition of “aviation gasoline.” Prior to January 13, 2004, Code Section 55-5-20(12) defined “aviation gasoline as “gasoline manufactured exclusively for use in airplanes and sold for such purposes” and therefore did not include aviation jet fuel.

Effective January 13, 2005, Code Section 55-5-20(12) now defines “aviation gasoline” to also include “aviation jet fuel manufactured exclusively for use in airplanes and sold for such purposes” as well as “gasoline ... manufactured exclusively for use in airplanes and sold for such purposes”

The “Annual Book of ASTM Standards, Section 5, Volume 05.01” published by the American Society for Testing and Materials (“ASTM”) provides the “Standard Specification for Aviation Gasoline” (D 910) and the “Standard Specification for Aviation Turbine Fuels” (D 1655).

Under these provisions (D 910), “aviation gasoline,” also known as “Avgas,” is defined as “gasoline possessing specific properties for fueling aircraft powered by reciprocating spark ignition engines.” It further states that the three grades of aviation gasoline are known as “Grade 80,” “Grade 100,” and “Grade 100LL.”

Under the provisions concerning jet fuel (D1655), it notes that there are three types of aviation turbine fuels for civil use – “Jet A,” “Jet A-1,” and “Jet B.” With respect to these fuels, it states that “Jet A” and “Jet A-1” are a “[r]elatively high flash point distillate of the kerosene type” and that “Jet B” is a “relatively wide boiling range volatile distillate.” (Note: Since sales to the federal government are exempt from the sales and use tax, this advisory opinion does not need to discuss the various types of jet fuel manufactured for military purposes.)

Based on the above, it is the opinion of the Department that “aviation gasoline” for purposes of crediting the “tax on aviation gasoline” to the State Aviation Fund under Code Section 55-5-280 is:

(1) gasoline meeting the definition and specifications contained in the “Standard Specification for Aviation Gasoline” (D 910) in the “Annual Book of ASTM Standards, Section 5, Volume 05.01” published by the American Society for Testing and Materials (“ASTM”); and,

(2) aviation turbine fuels meeting the definition and specifications contained in the “Standard Specification for Aviation Turbine Fuels” (D 1655) in the “Annual Book of ASTM Standards, Section 5, Volume 05.01” published by the American Society for Testing and Materials (“ASTM”).

However, in order for the sales and use tax on aviation gasoline, as defined above, to be credited the State Aviation Fund under Code Section 55-5-280 such aviation gasoline must have been sold for use in an airplane.

SOUTH CAROLINA DEPARTMENT OF REVENUE

s/Burnet R. Maybank III

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Burnet R. Maybank III, Director

March 10, 2005  
Columbia, South Carolina