

1983 WL 181717 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 19, 1983

***1 SUBJECT: Gasoline Tax—Gasohol**

The discount allowed domestic oil companies pursuant to § 12-27-330 does not apply to the tax collected and remitted on gasohol.

Mr. J. W. Lawson
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South Carolina Tax Commission

QUESTION:

Does the discount allowed domestic oil companies pursuant to § 12-27-330 apply to the tax collected and remitted on gasohol?

APPLICABLE LAW:

[Section 12-27-330](#) and [12-27-410](#), [South Carolina Code](#) of Laws, 1976, as amended.

DISCUSSION:

[Section 12-27-330](#) grants domestic oil companies a deduction on certain taxes. The specific language states:

‘For the purpose of defraying the attendant administrative costs, any domestic oil company in this State filing a timely monthly return and tax remittance as required by § 12-27-320 may deduct from the tax so remitted one and sixty-five hundredths percent of the tax collected pursuant to §§ 12-27-230 and 12-27-240. The amount of such deduction shall not exceed five hundred dollars for any one month.’

The question presented is whether the above deduction applies to the tax placed upon gasohol. To resolve this question, reference must be made to [§ 12-27-410](#) wherein it is stated:

‘The following tax shall be imposed on motor fuel which consists of a combination or a mixture of gasoline and agriculturally derived ethyl or methyl alcohol whose purity shall be at least ninety-nine percent and which mixture or combination shall be at least ten percent ethyl or methyl alcohol. There shall be no tax imposed on ‘gasohol’ until October 1, 1979, after which time the following schedule shall apply:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The tax imposed herein shall be collected as provided in Chapters 27, 29 and 31 of Title 12 of the 1976 Code, as amended. The provisions for the enforcement and penalties for the violation of such provisions shall be in accordance with the requirement of the aforementioned chapters of the 1976 Code. The proceeds from the imposition of this tax shall be turned over to the Department of Highways and Public Transportation for the purposes of the Department.’

Although gasohol is now taxed at the prevailing gasoline rate, the above language clearly indicates that the tax on gasohol is imposed pursuant to § 12-27-410. This precludes any deduction in that § 12-27-330 states that it applies only to those taxes collected pursuant to § 12-27-230 and § 12-27-240. Where the terms of a statute are clear and unambiguous, they must be applied according to their literal meaning. [Green v. Zimmerman](#), 269 S. C. 535, 238 S. E. 2d 323 (1977).

*2 While the language of § 12-27-230 and § 12-27-240 is broad enough to include gasohol within their terms, it must be noted that § 12-27-410 is a specific statute that relates solely to gasohol. Where there is a conflict between a general statute and a specific statute, the specific statute must prevail. [State v. Brown](#), 154 S. C. 55, 151 S. E. 218 (1930); [State v. Cutler](#), 274 S. C. 376, 264 S.E. 2d 420 (1980).

CONCLUSION:

The discount allowed domestic oil companies pursuant to § 12-27-330 does not apply to the tax collected and remitted on gasohol.

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