Annual Schedule FR Instructions

New York State Department of Taxation and Finance

Sales and Use Tax on Motor Fuel and Diesel Motor Fuel

Report transactions for the period June 1, 1997 through May 31, 1998.

Who Must File

Vendors selling motor fuel or diesel motor fuel at retail **or** reporting tax on the self-use of these fuels must file Annual Schedule FR to report tax on their taxable sales and purchases of motor fuel or diesel motor fuel during the period covered by the return.

Special Notice - Retailers of Heating Oil Only

Do not report your sales and self-use of heating oil on this form. See the instructions for Form ST-101 (Form ST-101-I) and Annual Schedule B (Form ST-101.3) for information on how to report heating oil transactions.

Specific Instructions

For your convenience, we have printed two copies of this schedule together. Separate these copies and complete and file either of them.

Identification Number and Name

Attach one of the preprinted Schedule labels (provided with your Form ST-101) in the space indicated. If you do not have a label, print the sales tax identification number and legal name as shown on your business' *Certificate of Authority* for sales and use tax.

PART 1 Summary of Gallons Sold

Taxable Gallons Sold - Motor Fuel

Enter the number of taxable gallons of all types of *motor fuels* sold in New York State during the annual period for which this schedule is being filed. Separate your gallons sold into three categories: regular, mid-grade and premium. Include propane in the *regular* category, and aviation gasoline in the *premium* category.

Taxable Gallons Sold - Diesel Motor Fuel

Enter the total number of taxable gallons of diesel motor fuel sold during the annual reporting period.

Non-taxable Gallons Sold

Enter the combined total of non-taxable gallons of motor fuel (combining regular, mid-grade, and premium) and diesel motor fuel sold during the annual reporting period.

PART 2 Summary of Gross Sales and Total Credits

Gross Sales of Motor Fuel and Diesel Motor Fuel

Enter the total dollar amount of sales made for all types of motor fuel and for diesel motor fuel (including those exempt from sales tax).

To compute gross sales:

- subtract the sales tax per gallon from the pump (selling) price (see Publications 870 and 871 for detailed instructions);
- multiply that amount by the number of gallons sold at that price; and
- add the amounts determined in the preceding step for all pump (selling) prices.

Do not include the amount of sales tax collected. Include motor fuel and diesel motor fuel sales made in New York State (even if for delivery outside New York State) and sales made at business locations outside New York State for delivery into New York State. Do not include sales made at business locations outside New York State for delivery outside New York State.

Total Credits Against Tax on Motor Fuel and Diesel Motor Fuel

Enter the total amount of the credits that you can identify by jurisdiction and that will be claimed in Part 3 as a subtraction from sales. You must attach substantiation for the credits reported in this box. Do not include the credit for prepaid sales tax on motor fuel and diesel motor fuel, which is claimed in Part 4.

PART 3 Calculate Sales Tax by Jurisdiction

Entering Taxing Jurisdictions, Jurisdiction Codes and Tax Rates

Enter up to five taxing jurisdictions in Column A, their jurisdiction codes in Column B, and their tax rates in Column E, on the blank lines provided. The jurisdictions, codes and tax rates are listed on the back of the form.

More than Five Jurisdictions

If you need to report sales or self-use for more than five jurisdictions, attach a separate sheet listing the same items of information for the additional jurisdictions that you provided for the first five jurisdictions in Part 3. Include the additional amounts in the totals you enter in Boxes 1, 2, 4, 5, and 8.

Credits

Reduce the amount of taxable sales and services to be entered on a jurisdiction line by the amount of any credits related to that jurisdiction. If the result is a negative number, enter it in parentheses.

Reporting Sales and Self-Use of Motor Fuel and Diesel Motor Fuel in Columns C and D

Entries in Columns C and D must include the total dollar value of both taxable retail sales and self-use of motor fuel and diesel motor fuel for the period covered by this return. Report your taxable sales and/or self-use on the line for the taxing jurisdiction in which the fuel is delivered to the customer or in which you use it.

- If you make sales of motor fuel or diesel motor fuel at your place of business, you must report the taxable sales on the line for the taxing jurisdiction in which your business is located, and compute the tax on the actual selling price at the rate applicable in that jurisdiction.
- If you deliver motor fuel or diesel motor fuel to the retail customer's place of business, either directly or by common carrier, you must compute the tax on the actual selling price, at the rate in the jurisdiction where the customer is located. Report the sale on the line for that jurisdiction.

Column C - Motor Fuel Taxable Sales and Self-Use

Report your total sales of **motor fuel** subject to New York State and local sales taxes, and total purchases subject to tax as a result of self-use. Round the amount to the nearest dollar.

To compute your **taxable sales** of motor fuel:

- subtract the sales tax per gallon from the pump (selling) price;
- subtract the 8 cents-per-gallon state gasoline tax (New York City vendors should also subtract the 1 cent-per-gallon New York City leaded gasoline tax); and
- multiply the result by the number of taxable gallons sold.

This calculation must be done for each jurisdiction and for each pump (selling) price of the motor fuel.

To compute **taxable self-use** of motor fuel, multiply your purchase price by the number of gallons you removed from inventory and used (excluding the New York State and New York City motor fuel tax per gallon). If you are a manufacturer or refiner of motor fuel, compute the tax due based on your normal selling price to others (excluding only the New York State and New York City motor fuel tax).

Column D - Diesel Motor Fuel Taxable Sales and Self-Use
Report your total sales of **diesel motor fuel** subject to New York State and local sales taxes, and total purchases subject to tax as a result of self-use. Round the amount to the nearest dollar.
To compute your **taxable sales** of diesel motor fuel:

- subtract the sales tax per gallon from the pump (selling) price;
- subtract the 8 cents-per-gallon New York State diesel motor fuel tax; and
- multiply the result by the number of taxable gallons sold.

This calculation must be done for each jurisdiction and for each pump (selling) price of the diesel motor fuel.

To compute **taxable self-use** of diesel motor fuel, multiply your purchase price by the number of gallons you removed from inventory and used (excluding any New York State diesel motor fuel tax). If you are a manufacturer or refiner of diesel motor fuel, compute the tax due based on your normal selling price to others (excluding only the New York State diesel motor fuel tax).

Column F - Sales Tax
The amount of tax to report for each jurisdiction is the **greater** of the following: the tax computed by multiplying the total of Column C and Column D by the tax rate entered in Column E; or the amount actually collected. Enter the greater amount in Column F.

Column Totals (Boxes 1, 4 and 8)
Add the amounts reported in Columns C, D, and F, plus any amounts for additional jurisdictions reported on separate sheets. Enter the total of Column C in Box 1, the total of Column D in Box 4, and the total of Column F in Box 8.

Subtract Self-Use (Boxes 2 and 5)
In Box 2, enter the amount of self-use that was included in the amounts reported in Column C. In Box 5, enter the amount of self-use that was included in the amounts reported in Column D. These amounts are not eligible for the vendor collection credit and will be subtracted from Boxes 1 and 4 to determine your eligible sales.

Motor Fuel and Diesel Motor Fuel Taxable Sales (Boxes 3 and 6)
Subtract the amount in Box 2 from the amount in Box 1 and enter the result in Box 3. Subtract the amount in Box 5 from the amount in Box 4 and enter the result in Box 6.

Vendor Collection Credit Allowance (Box 7)
Add the amount in Box 3 to the amount in Box 6 and enter the total in Box 7. This is your taxable sales amount that is eligible for the vendor collection credit. Also enter this shaded box amount on Form ST-101, Page 4, Step 7B on the line for Schedule FR.

The vendor collection credit may only be taken against **sales** on which **state** sales tax is due. Any purchases subject to tax and any sales subject only to local tax must not be included in the amount on which the credit is computed.

PART 4 Calculate Tax Adjustments

Credit for Prepaid Sales Tax (Boxes 9 and 12)
Enter in the appropriate box the total amount of prepaid sales tax either paid by you or included in the price you paid to your supplier for motor fuel and for diesel motor fuel sold or used during the period. (Include all motor fuel and diesel motor fuel sold by you whether or not subject to sales tax* and all motor fuel and diesel motor fuel reported as used during the period.) **Do not** include this credit amount in Step 5 on Form ST-101.

** **Exception:** Registered motor fuel or diesel motor fuel distributors making sales in bulk (i.e., sales through a marketing location other than a retail service station) should report the credit for prepaid sales tax on motor fuel or diesel motor fuel sold to exempt purchasers or delivered out of state to their customers on Form FT-945/1045, Parts I and II, lines 10 and 17, respectively.*

Since regional average retail sales prices are revised yearly and are subject to revision during the year, you may have to compute your credit or credits for prepaid sales tax based on more than one regional average retail sales price. Credit should be taken according to the applicable prepayment stated in the certifications your suppliers gave you.
You must keep records to substantiate the payment of prepaid sales tax to your suppliers for at least three years after filing this return and make these records available upon request by the Commissioner of Taxation and Finance.

Refunds Received or Requested (Boxes 10 and 13)
Enter in the appropriate box the total amount of any refunds you have requested for the prepaid sales tax reported in Boxes 9 and 12. You must include in these boxes all refunds you have requested, whether or not you have received these amounts.

Net Credit (Boxes 11, 14, and 15)
For each column, subtract the requested refund amount from the prepaid sales tax amount and enter the difference. Add the net credit for motor fuel from Box 11 to the net credit for diesel motor fuel from Box 14 and enter the total in Box 15, Column F.

Adjusted Tax (Box 16)
Subtract the amount in Box 15, Column F, from the amount in Box 8, Column F, and enter the result in Box 16. Also enter this adjusted tax amount on Form ST-101, Page 2, in Box 2.

If the amount of credit in Box 15 is greater than the amount of tax in Box 8, the adjusted tax amount in Box 16 will be negative. You should identify this as a negative amount by enclosing the amount in parentheses.

Filing this Schedule

File a completed Schedule FR and any other attachments with Form ST-101, *New York State and Local Annual Sales and Use Tax Return*, by the due date. Keep a copy of your completed return for your records.

Need Help?

For information, call the Business Tax Information Center at 1 800 972-1233.
For forms and publications, call 1 800 462-8100.
From areas outside the U.S. and outside Canada, call (518) 485-6800. Telephone assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday.

If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, Taxpayer Correspondence, WA Harriman Campus, Albany NY 12227.

Hotline for the Hearing and Speech Impaired - TDD: call 1 800 634-2110. See Form ST-101-I, *Instructions for Form ST-101*, for more information about this Hotline and the Americans with Disabilities Act.

Privacy Notification

See Form ST-101-I, *Instructions for Form ST-101*, Page 4 for the privacy notification.