New York State Department of Taxation and Finance

Instructions for Form PT-102

PT-102-I
(1/11)

Tax on Diesel Motor Fuel. Includes instructions for supporting schedules (Forms PT-102.1 through PT-102.4)

General information

If you are an exempt organization that has established its status as an exempt organization under Tax Law section 1116(a), and any motor fuel, diesel motor fuel or residual petroleum product that you import into New York State is consumed exclusively by you, then you are not subject to the Article 13-A tax on petroleum products. Do not include any petroleum business tax in the amounts on Form PT-102 (see Form PT-100-I, *Instructions for Form PT-100).*

Diesel motor fuel is composed of two general subcategories of product, *unenhanced diesel product* and *enhanced diesel product.*

The specific fuels making up the unenhanced diesel product category include fuel oil, kero-jet fuel, and kerosene and water-white kerosene (K-1). This category does not include industry-standard No. 4 diesel fuel.

The specific fuels making up the enhanced diesel product category include diesel fuel, No. 1 diesel fuel, enhanced No. 2 fuel oil (the blended product that results from mixing No. 2 fuel oil with kerosene or a cetane improver to make the fuel oil more suitable to operate in a motor vehicle diesel engine) and any product designated as diesel motor fuel.

B20 means a mixture consisting by volume of 20% biodiesel, and the remainder of which is diesel motor fuel.

Biodiesel means a diesel motor fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and that meets the American Society for Testing and Materials D6751-02a Standard Specification for Biodiesel Fuel (B100) Blend Stock Distillate Fuels.

Dyed diesel motor fuel means diesel motor fuel which is enhanced diesel motor fuel and which has been dyed in accordance with, and for the purpose of complying with the provisions of 26 USC §4082(a) and the regulations thereunder, as may be amended from time to time.

Mode of delivery is any means of transportation used in transporting fuel, including a ship-**S**, barge-**B**, truck-**T**, railroad car-**R**, pipeline-**P**, or stationary transfer-**ST**. Leave the carrier's name and Federal Employer Identification Number (FEIN) blank for a stationary transfer-**ST**.

Manifest number is the number assigned by the transporter to the delivery as recorded in box 1 of Form FT-960, *Uniform Manifest for Interstate (Importation) Movements of Automotive Fuel (Motor Fuel and Diesel Motor Fuel)* or Form FT-970, *Uniform Manifest for Intrastate Movements of Automotive Fuel (Motor Fuel and Diesel Motor Fuel).*

Terminal control number is the number assigned to a terminal registered with the Internal Revenue Service. The terminal is supplied by pipeline or marine vessel, and fuel is disbursed to trucks or rail cars through a loading rack.

You may reproduce (e.g., computer-generate) Forms PT-102.1 through PT-102.4 provided each form is clearly identified and contains all of the information (including form number, distributor's name, FEIN, etc.) requested on the original form, and the information is in the same format.

Inventory (lines 1 through 7)

Line 1 — Enter the total number of gallons of your diesel motor fuel on hand at the beginning of the month at storage facilities in New York State. This figure should be the same as the *Closing inventory* reported on Form PT-102 filed for the previous month. Do **not** include:

— gallons held in filling stations (however, include water-white kerosene (K-1) held for sale exclusively to consumers for heating purposes in containers of no more than 20 gallons); and

— gallons held in repositories equipped with a hose or other apparatus that can dispense fuel into a motor vehicle.

Line 2 — Enter the total number of gallons from Form PT-102.1, Part 1, *Receipts in New York State from sources located outside this state.*

Line 3 — Enter the total number of gallons (column A plus column B) from Form PT-102.1, Part 2, *Receipts in New York State from sources located within this state.*

Line 4 — Enter the total number of gallons of diesel motor fuel that were gained or lost due to evaporation, shrinkage and handling at bulk storage facilities (other than retail service stations). You must maintain records to substantiate such gains or losses. In addition, you may include on this line the total gallons of diesel motor fuel lost due to a casualty, provided the loss has been approved by the Tax Department. You must submit a report of casualty loss within 24 hours to the NYS Tax Department, TDAB-FACCTS, Fuels Audit Unit, W A Harriman Campus, Albany NY 12227-0250, requesting to include the loss on your tax return.

Line 6 — Enter the total number of gallons of your diesel motor fuel on hand at the end of the month at storage facilities in New York State. **This figure cannot be a negative amount.** An *accommodation sale* must be treated as a purchase and a sale. Do **not** include:

— gallons held in filling stations (however, include water-white kerosene (K-1) held for sale exclusively to consumers for heating purposes in containers of no more than 20 gallons); and

— gallons held in repositories equipped with a hose or other apparatus from which fuel can be dispensed into a motor vehicle.

Exempt sales and uses (lines 8 through 25)

Line 8 — Enter the total number of gallons of diesel motor fuel that were sold or used by you for residential heating/cooling purposes.

Line 9 — Enter the total number of gallons of dyed diesel motor fuel purchased with a direct pay permit and sold for residential heating/cooling purposes, that were included in the amount on line 8.

Line 10 — Enter the total number of gallons from Form PT-102.4, Part 2, *Sales or use in manufacturing.*

Line 11 — Enter the total number of gallons from column A, Form PT-102.2, Part 2, *Sales to exempt organizations.*

Line 12 — Enter the total number of gallons of diesel motor fuel sold in New York State to farmers upon which you did not pass through the taxes. You must have Form FT-1004, *Certificate for Purchases of Diesel Motor Fuel or Residual Petroleum Product*

for Farmers and Commercial Horse Boarding Operations, on file to cover such sales. Also, if you are a farmer, include gallons you used for farming.

Line 13 — Enter the total number of gallons of kero-jet fuel sold to airlines. Airlines registered as distributors should also report kero-jet fuel taken from inventory that was used in their airplanes during the reporting period. Do not include sales of kero-jet fuel to nonairline operators.

Line 14 — Enter the total number of gallons of water-white kerosene (K-1) upon which the tax has not been passed through to the purchaser and that was delivered to filling stations (other than your own) where the water-white kerosene (K-1) is for sale exclusively to consumers for heating purposes in containers of no more than 20 gallons. For these sales you must have on file Form FT-1020, *Exemption Certificate for Certain Taxes Imposed on Diesel Motor Fuel and Propane.* Also include the total number of gallons of water-white kerosene (K-1) sold at your own filling stations to consumers for heating purposes in containers of no more than 20 gallons.

Line 15 — Enter the total number of gallons of kerosene (excluding water-white kerosene reported on line 14) sold for nonresidential heating or production for sale that was not mixed or blended with any other product or sold for use as fuel to operate a motor vehicle.

Line 16 — Enter the total number of gallons from Form PT-102.2, Part 1, *Sales of unenhanced diesel product to persons registered under Article 12-A/13-A for diesel motor fuel.*

Line 17 — Enter the total number of gallons from Form PT-102.2, Part 5, *Sales of dyed diesel motor fuel to a holder of a direct pay permit (to be sold for heating purposes only).*

Line 19 — Enter the total number of gallons from Form PT-102.3, Part 1, *Transfers and sales out of New York State,* prepared for each state and Canadian province.

Line 20 — Enter the total number of gallons from Form PT-102.3, Part 2, *Sales in New York State for immediate export,* that was prepared for each state and Canadian province.

Line 21 — Enter the total number of gallons from Form PT-102.2, Part 3, *Exempt sales on Indian reservations.*

Line 22 — Enter the total number of gallons from Form PT-102.2, Part 4, *Sales to the United States government and to New York State and its municipalities*. See instructions for Form PT-102.2, Part 4.

Line 23 — Enter the total number of gallons of diesel motor fuel you withdrew from your inventory to compound or blend with any other product to produce No. 4 fuel oil or any other residual petroleum product. Also include this figure in line 4 of Form PT-103.

Partially taxable sales and uses (lines 26 through 39)

Line 26 — Enter the total number of gallons of B20 sold or used for nonresidential heating/cooling purposes.

Line 27 — Enter the total number of gallons of diesel motor fuel (other than kerosene that has not been mixed or blended with any other product) sold or used for nonresidential heating/cooling purposes.

Line 28 — Enter the total number of gallons of dyed diesel motor fuel sold for nonresidential heating/cooling purposes.

Line 29 — Enter the total number of gallons of diesel motor fuel that was sold to an electric corporation (**without** a direct pay permit) for use in the production of electricity for sale.

Lines 30 and 31 — Enter the total number of gallons of B20 on line 30 and the total number of gallons of other diesel motor fuel on line 31 sold to consumers to be used directly and exclusively in the production of tangible personal property by refining, extracting, and mining, or in the production of gas, electricity (except sales to rate-regulated electric corporations), refrigeration, or steam, for sale, excluding any kerosene that has not been blended or mixed with any other product. **Do not include enhanced diesel motor fuel on line 30 or 31.** You must have Form FT-1020, *Exemption Certificate for Certain Taxes Imposed on Diesel Motor Fuel and Propane,* on file to cover such sales. Also include the total gallons you used as above.

Line 32 — Enter the total number of gallons of kero-jet fuel sold as jet aircraft fuel to, or for use by, **nonairlines** that are not registered as aviation fuel businesses. You must have on file Form FT-1020 to cover these sales.

Line 33 — Enter the total number of gallons of kerosene sold or used for other than heating or production for sale, provided the kerosene has not been blended or mixed with another product or used to operate a motor vehicle.

Lines 34 and 35 — Enter the total number of gallons of B20 on line 34 and the total number of other gallons on line 35 from column B, Form PT-102.2, Part 2, *Sales to exempt organizations.*

Lines 36 and 37 — Enter the total number of gallons of B20 on line 36 and the total number of other gallons on line 37 from Form PT-102.4, Part 3, *Sales or use as railroad diesel.*

Line 38 — Enter the total number of gallons from Form PT-102.4, Part 4, *Sales or use of B20 not reported on lines 8 through 37.*

Fully taxable sales and uses (lines 40 through 45)

Lines 41 and 42 — Enter the total number of gallons of B20 on line 41 and the total number of gallons of other diesel motor fuel on line 42 included on lines 1, 2, or 3 that you purchased with diesel motor fuel tax passed through to you and that you sold or used during the reporting period (other than gallons sold from your own filling stations during the reporting period), or you or your supplier delivered during the reporting period to your filling stations or your repositories equipped with a hose or other apparatus that can dispense fuel into a motor vehicle.

Line 46 — Adjustments — Enter the total adjustments. Adjustments include the following:

— A credit for use of diesel motor fuel off-highway.

— Adjustments from prior periods.

— Excise and petroleum business taxes that you did not charge or otherwise receive on credit card sales to governmental entities for which you have been designated as the party eligible to receive a refund or credit. **Do not** include sales reported on line 22.

— Credit card sales to diplomats and missions.

Subtract a credit or add a debit to line 45 when computing line 47. Enclose in brackets all gallons that are being subtracted. Explain all adjustments in detail on this line. Attach additional sheets, if necessary, to explain adjustments.

Line 47 — Balance due/credit — Transfer the amount on line 47 to Form PT-100, line 2, *Petroleum Business Tax Return.*

Instructions for Form PT-102.1

Diesel Motor Fuel Receipts

Part 1 — Receipts in New York State from sources located outside this state

Complete the schedule by filling in all of the requested information for each receipt from sellers located outside New York State from whom **you imported** diesel motor fuel during the month.

Report receipts of diesel motor fuel that has been imported from your own facilities located outside New York State.

Include shipments made directly to **any** of your own facilities, including service stations, or shipments made directly to your customers in New York State.

You are the importer of diesel motor fuel if you have ownership of the fuel at the time the fuel enters New York State's jurisdiction, or if you direct or control the importation of fuel into New York State.

Part 2 — Receipts in New York State from sources located within this state

Complete the schedule by filling in all of the requested information for each purchase or receipt of diesel motor fuel made during the month from sellers located within New York State.

Include shipments made directly to **any** of your own facilities, including service stations, or shipments made directly to your customers located within New York State.

Instructions for Form PT-102.2

Diesel Motor Fuel Nontaxable Sales

Part 1 — Sales of unenhanced diesel product to persons registered under Article 12-A/13-A for diesel motor fuel

Complete the schedule by filling in all of the requested information for each sale to distributors of diesel motor fuel, retailers of heating oil only, or distributors of kero-jet fuel only.

Do not include any unenhanced diesel product delivered to a filling station (other than kero-jet fuel delivered to a distributor of kero-jet fuel only) or into any other repository equipped with a hose or other apparatus that can dispense fuel into a motor vehicle (including the bulk storage tanks of distributors of diesel motor fuel, and retailers of heating oil only, equipped with a hose or other apparatus).

You must have on file for each of these customers a Form FT-1001, *Exemption Certificate for Diesel Motor Fuel Interdistributor Transactions.*

Part 2 — Sales to exempt organizations

Complete the schedule by filling in all of the requested information for each sale of diesel motor fuel to an exempt organization. Do not include sales for residential heating.

Only exempt organizations qualified under Tax Law sections 1116(a)(4) or 1116(a)(5) may purchase unenhanced diesel motor fuel (No. 2 fuel oil) without paying the petroleum business tax. This fuel must be used in the furtherance of the exempt purposes of the organization and not in any unrelated business activities.

The exempt organizations must give properly completed copies of Form FT-1021-A, *Certification for Purchases of Unenhanced Diesel Motor Fuel, Residual Petroleum Product, or Dyed Diesel Motor Fuel, by Certain Exempt Organizations*, to their suppliers. The fuel purchased must be exclusively for the use or consumption of the exempt organization, but not on New York State highways. Additionally, purchases of unenhanced diesel motor fuel delivered into a tank equipped to fuel a motor vehicle or purchases made at a filling station **do not qualify** for the exemption.

Part 3 — Exempt sales on Indian reservations

(Include sales to exempt Indian nations or tribes and qualified Indian consumers.)

Complete the schedule by filling in all of the requested information for each sale of diesel motor fuel to an exempt Indian nation or tribe or to qualified Indian consumers on Indian reservations.

Sales to Indian nations or tribes for governmental use and sales to qualified Indian consumers (not for resale) must be supported by either a properly completed Form FT-939, *Certificate of Tax Exemption for a Qualified Indian Nation or Tribe on Purchases of Motor Fuel, Diesel Motor Fuel and Cigarettes*, or Form DTF-801, *Certificate of Individual Indian Exemption from State Taxes on Property or Services Delivered on a Reservation.*

Part 4 — Sales to the United States government and to New York State and its municipalities

Complete the schedule by filling in all of the requested information for each sale of diesel motor fuel to a governmental entity.

The United States government and its agencies, and New York State and its agencies and municipalities are the only governmental entities that may purchase diesel motor fuel without paying the diesel motor fuel tax. Do **not** include credit card sales other than direct sales from your inventory; report these sales as an adjustment on line 46.

Part 5 — Sales of dyed diesel motor fuel to a holder of a direct pay permit (to be sold for heating purposes only)

Complete the schedule by filling in all of the requested information for each sale to a holder of a direct pay permit of dyed diesel motor fuel to be sold for heating purposes only.

You must have on file Form FT-1001, *Exemption Certificate for Diesel Motor Fuel Interdistributor Transactions,* to cover these sales.

Instructions for Form PT-102.3

Diesel Motor Fuel — Transfers and Sales out of New York State and Sales in New York State for Immediate Export

Part 1 — Transfers and sales out of New York State

Prepare a separate Part 1 for each state and Canadian province.

1) Complete the schedule by filling in all of the requested information for:
   a) each purchaser (other than a governmental entity) that is a distributor, wholesaler, service station, truck stop or other reseller of the diesel motor fuel in the other state or province;
   b) each purchaser (other than a governmental entity) that has acquired diesel motor fuel for purposes other than heating, production or farming; and
   c) your own facilities or facilities under your control outside New York State to which you transferred diesel motor fuel, and the number of gallons of diesel motor fuel that you shipped or sold to each purchaser for purposes other than heating, production or farming.
2) Add the number of gallons shown in the *Gallons* column and enter the total on line 1.
3) Enter on line 2 the number of gallons of diesel motor fuel that you sold to governmental entities and shipped out of New York State.

4) Enter on line 3 the number of gallons of diesel motor fuel that you shipped out of New York State for sale to consumers for heating, farming or production purposes. Do not include gallons sold to governmental entities.

5) Add lines 1, 2, and 3 and enter the total on line 4.

Submit **two** copies of each Part 1 with your tax return.

Part 2 — Sales in New York State for immediate export

Prepare a separate Part 2 for each state and Canadian province.

Complete the schedule by filling in all of the requested information for each diesel motor fuel sale transaction that you made within New York State to a distributor or dealer authorized to conduct business in another state or province for immediate export to that state or province.

You must have received a properly completed Form FT-1003, *Statement of Exportation of Diesel Motor Fuel by Purchaser,* for each sale.

Submit **two** copies of each Part 2 with your tax return.

Instructions for Form PT-102.4

Diesel Motor Fuel Taxable Sales or Use, Sales to Manufacturers for Use in Manufacturing, and Sales to Railroads for Use as Railroad Diesel

Part 1 — Taxable sales or use

On *Taxable sales or use*, you must account for all sales in the state that require the imposition or pass through of the diesel motor fuel excise tax as follows:

1) Complete the schedule by filling in all of the requested information for each registered distributor of diesel motor fuel, retailer of heating oil only, and distributor of kero-jet fuel only, to whom you sold diesel motor fuel if the diesel motor fuel excise tax was required to be imposed or passed through.

2) Indicate as a separate item (*direct fueling of customers' vehicles*) the total gallons you delivered into customers' vehicles for use in the operation of such vehicles other than those delivered at filling stations whose gallons are not included in your inventory. You do not have to list a customer if you only pump fuel directly into the customer's vehicle(s). If you also deliver 500 gallons or more of diesel motor fuel other than directly into a customer's vehicle(s), you must list that customer and report only gallons of diesel motor fuel delivered to that customer, other than those delivered directly into a customer's vehicle(s) for use in the operation of such vehicle(s).

3) Indicate as a separate item (*customers under 500 gallons*) the total gallons sold to customers who purchased less than 500 gallons during the month. You do not have to list individually a customer to whom you sold less than 500 gallons of diesel motor fuel during the entire month.

4) List all other customers not registered under the Diesel Motor Fuel Tax Law to whom you made taxable sales or any sales that the diesel motor fuel excise tax was required to be passed through.

5) Add the number of gallons in the *Gallons* column.

The total number of gallons shown on this summary is not transferred to any line of the tax return, Form PT-102.

Part 2 — Sales or use in manufacturing

Complete the schedule by filling in all of the requested information for each sale of unenhanced diesel motor fuel for use in manufacturing without passing through the petroleum business tax. Also include the total gallons you used for manufacturing.

Add the number of gallons shown in the *Gallons* column.

You must have Form FT-1012, *Manufacturing Certification for Diesel Motor Fuel and Residual Petroleum Product,* on file to cover such sales.

Part 3 — Sales or use as railroad diesel

Complete the schedule by filling in all of the requested information for each sale of diesel motor fuel for use as railroad diesel without passing through the petroleum business tax. Also include the total gallons you used as railroad diesel.

Add the number of gallons shown in the *Gallons* column.

You must have Form PT-303, *Railroad Exemption Certificate for Diesel Motor Fuel*, on file to cover such sales.

Part 4 — Sales or use of B20 not reported on lines 8 through 37

Complete the schedule by filling in all of the requested information for each sale of B20 not reported on lines 8 through 37. Also include the total gallons you used for purposes other than those reported on lines 8 through 37. Add the number of gallons shown in the gallons column.

Need help?

Internet access: *www.tax.ny.gov*
(for information, forms, and publications)

Miscellaneous Tax Information Center: (518) 457-5735

To order forms and publications: (518) 457-5431

Text Telephone (TTY) Hotline
(for persons with hearing and speech disabilities using a TTY): (518) 485-5082

Rate-per-gallon explanation chart

.040 - includes the rate for the petroleum business tax at the nonresidential heating rate only *(B20)*
.050 - includes the rate for the petroleum business tax at the nonresidential heating rate only
.064 - includes the rate for diesel motor fuel excise tax only *(B20)*
.074 - includes the rate for the petroleum business tax at the commercial gallonage rate only *(B20)*
.08 - includes the rate for diesel motor fuel excise tax only
.093 - includes the rate for petroleum business tax at the commercial gallonage rate only
.135 - includes the rates for diesel motor fuel excise tax (.064) and the petroleum business tax at the railroad rate (.071) *(B20)*
.161 - includes the full nonautomotive rate for the petroleum business tax only
.169 - includes the rates for diesel motor fuel excise tax (.08) and the petroleum business tax at the railroad rate (.089)
.1860 - includes the rates for diesel motor fuel excise tax (.064) and the petroleum business tax at the automotive diesel motor fuel rate (.1220) *(B20)*
.2325 - includes the rates for diesel motor fuel excise tax (.08) and the petroleum business tax at the automotive diesel motor fuel rate (.1525)