



# Manufacturing Certification for Non-Highway Diesel Motor Fuel and Residual Petroleum Product

**Purchasers and sellers:** Read the information on page 2 and certifications carefully before giving or accepting this certificate.

**Sellers:** Your sales are subject to the applicable taxes on diesel motor fuel or residual petroleum product unless the purchaser gives you a properly completed certification no later than 90 days after the delivery of the product sold. Keep the certificate for at least three years.

**Purchasers:** This form must be completed by the purchaser and given to the seller.

Type or print

Name of <b>seller</b>	Name of <b>purchaser</b>
Street address	Street address
City State ZIP code	City State ZIP code
Seller's <i>Certificate of Authority</i> number	Purchaser's <i>Certificate of Authority</i> number

Enter specific product type: \_\_\_\_\_ . (Use a separate Form FT-1012 for each product type.)

**Single-purchase certificate** — enter the invoice or delivery ticket number \_\_\_\_\_ and the number of gallons \_\_\_\_\_ .

**Blanket certificate** — will be considered part of any order given to you and will remain in force until revoked by written notice. It covers only purchases of the specific product type indicated above.

**Part 1 — Non-highway diesel motor fuel**

I certify that **all** (100%) of the non-highway diesel motor fuel covered by this certificate is being delivered on or will be brought to the manufacturing site for use directly and exclusively in the production of tangible personal property for sale, by **manufacturing, processing, or assembly**, and will **not** be consumed on the public highways of this state. The fuel will not be delivered to a filling station or a tank equipped with a nozzle or other apparatus that can fuel a motor vehicle. (This sale is exempt from the diesel motor fuel tax, the petroleum business tax, and the New York State and local sales taxes.)

**Part 2 — Non-highway diesel motor fuel (If less than 100% of the fuel is to be used for manufacturing as stated above, mark this box and indicate the appropriate percentages (must total 100%) of use.)**

- a I certify that \_\_\_\_\_ % of the fuel is to be used in the production of tangible personal property for sale as described above (must be supported by an engineering study).
- b I certify that \_\_\_\_\_ % of the fuel is to be used for nonresidential (commercial) heating purposes. (This sale is subject to the petroleum business tax at the nonresidential heating rate for diesel motor fuel and the New York State and local sales taxes, but exempt from the diesel motor fuel tax.)
- c I certify that \_\_\_\_\_ % of the fuel is to be used in the production of tangible personal property for sale by refining, mining or extracting. The fuel will **not** be delivered to a filling station or a storage tank equipped with a nozzle or other apparatus that can fuel a motor vehicle or be used on the public highways of this state. (This sale is subject to the petroleum business tax at the commercial gallonage rate for diesel motor fuel but is exempt from the diesel motor fuel tax and the New York State and other local sales taxes.)
- d I certify that \_\_\_\_\_ % of the fuel is to be used in the production of gas, electricity, refrigeration or steam for sale. The fuel will **not** be delivered to a filling station or a storage tank equipped with a nozzle or other apparatus that can fuel a motor vehicle or be used on the public highways of this state. I also certify that I am not a rate-regulated electric corporation using the fuel in generators to produce electricity. (This sale is subject to the petroleum business tax at the commercial gallonage rate for diesel motor fuel, and, if delivered or used in New York City, the city of New York local sales tax, but exempt from the diesel motor fuel tax and the New York State and other local sales taxes.)
- e I certify that \_\_\_\_\_ % of the fuel is to be used by a rate-regulated electric corporation using the fuel in generators to produce electricity for sale. The fuel will not be delivered to a filling station or a storage tank equipped with a nozzle or other apparatus that can fuel a motor vehicle or be used on the public highways of this state. (This sale is subject to the petroleum business tax at the full non-highway diesel motor fuel rate, and, if delivered or used in New York City, the city of New York local sales tax, but exempt from the diesel motor fuel tax and the New York State and other local sales taxes.)
- f I certify that \_\_\_\_\_ % of the fuel is to be used for residential heating purposes. (This sale is exempt from the petroleum business tax, the diesel motor fuel tax, and the New York State sales tax but, if applicable, subject to local sales tax.)

**Part 3 — Residual petroleum product**

I certify that **all** (100%) of the residual petroleum product covered by this certificate is being delivered to the manufacturing site for use directly and exclusively in the production of tangible personal property for sale, by **manufacturing, processing, or assembly**, and will **not** be consumed on the public highways of this state. (This sale is exempt from the petroleum business tax and the New York State and local sales taxes.)

**Part 4 — Residual petroleum product (If less than 100% of the product is to be used for manufacturing as stated above, check this box and indicate the appropriate percentages (must total 100%) of use.)**

- a I certify that \_\_\_\_\_ % of the product is to be used in the production of tangible personal property for sale as described above (must be supported by an engineering study).
- b I certify that \_\_\_\_\_ % of the product is to be used for residential heating purposes. (This sale is exempt from the petroleum business tax and the New York State sales tax but, if applicable, subject to local sales tax.)
- c I certify that \_\_\_\_\_ % of the product is to be used for nonresidential (commercial) heating purposes. (This sale is subject to the petroleum business tax at the nonresidential heating rate for residual petroleum product and to the New York State and local sales taxes.)
- d I certify that \_\_\_\_\_ % of the product is to be used for any other purposes than that stated above except if you are a rate-regulated electric corporation using the product in generators to produce electricity. (This sale is subject to the petroleum business tax at the commercial gallonage rate for residual petroleum product and to the New York State and local sales taxes, unless a valid exemption document is completed and given to the supplier.)

**Note:** Kerosene is exempt from the petroleum business tax when sold by a petroleum business registered as a *distributor of diesel motor fuel* or a *retailer of non-highway diesel motor fuel only* and the kerosene is not mixed or blended with other products, is not sold with any other petroleum product, or is not sold or used to operate motor vehicles or delivered into a tank equipped with a nozzle.

**Certification:** I certify that the above statements are true and complete, and I make these statements with the knowledge that willfully issuing a false or fraudulent certificate with the intent to evade tax is a misdemeanor under New York State Tax Law sections 1812(c)(4), 1812-f(c)(4), and 1817(m) and Penal Law section 210.45, punishable by a fine up to \$10,000 for an individual or \$20,000 for a corporation. I also understand that the Tax Department is authorized to investigate the validity of exemptions claimed or the accuracy of any information entered on this form.

Signature of <b>purchaser</b> or authorized representative	Title	Date
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## Instructions

### General information

This certificate can be used to claim exemption from the taxes (the petroleum business tax, diesel motor fuel tax, and sales and use tax) on non-highway diesel motor fuel and residual petroleum product as indicated on the front. You may use it for a single purchase or for blanket purchases of one specific type of product.

This certificate may not be used to purchase fuel for use in farm production; use Form FT-1004, *Certificate for Purchases of Non-Highway Diesel Motor Fuel or Residual Petroleum Product for Farmers and Commercial Horse Boarding Operations*.

*Directly* means the fuel must, during the production phase of a process, operate exempt production machinery or equipment, or create conditions necessary for production, or perform an actual part of the production process.

*Exclusively* means that all of the fuel is used entirely (100%) in the production process.

*Production* includes the production line of the plant, starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished and packaged for sale.

*Manufacturing* means the production of tangible personal property that has a different identity from its ingredients.

*Processing* means the performance of any service on tangible personal property that changes the nature, shape, or form of the property.

*Assembly* means the coupling or the uniting of parts or materials as a manufacturing process or a step in the manufacturing process that results in a new product.

*Diesel motor fuel* means No. 1 diesel fuel, No. 2 diesel fuel, biodiesel, kerosene, fuel oil or other middle distillate and also motor fuel suitable for use in the operation of an engine of the diesel type. It does not include any product specifically designated No. 4 diesel fuel.

*Non-highway diesel motor fuel* means any diesel motor fuel that is designated for use other than on a public highway (except for the use of the public highway by farmers to reach adjacent lands), and is dyed diesel motor fuel.

*Highway diesel motor fuel* means any diesel motor fuel which is not non-highway diesel motor fuel.

*Dyed diesel motor fuel* means diesel motor fuel which has been dyed in accordance with and for the purpose of complying with the provisions of 26 USC 4082(a).

*Residual petroleum product* is the topped crude of refinery operations including No. 5 fuel oil, No. 6 fuel oil, bunker C, and that special grade of diesel product designated No. 4 diesel fuel, that is not suitable for use in the operation of a motor vehicle engine. This product is sometimes used for the production of electric power, space heating, vessel bunkering, and other industrial purposes.

### Need help?



Visit our Web site at [www.tax.ny.gov](http://www.tax.ny.gov)

- get information and manage your taxes online
- check for new online services and features



#### Telephone assistance

**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



**Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, call the information center.