New York State Department of Taxation and Finance

Instructions for Form PT-102

Tax on Diesel Motor Fuel, and for Supporting Schedules (Forms PT-102.1 through PT-102.3)

PT-102-I
(3/96)

General Information

If you are an exempt organization that has established its status as an exempt organization under section 1116(a) of the Tax Law, 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 complete Parts B and C of Form PT-102).

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 (see notice N-89-63 for the definition of 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.

You may reproduce (e.g., computer-generate) Forms PT-102.1 and PT-102.3 provided the form is clearly identified and contains all of the information (including form number, distributor's name, identification number, etc.) requested on the original form and the information is in the same format.

Inventory and Purchases (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. It should be the same amount as that reported by you on line 6 of Form PT-102 filed for the preceding 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(s) I, *Receipts in New York State From Sources Outside New York State*.

Line 3 – Enter the total number of gallons (column A plus column B) from Form PT-102.1, Part(s) II, *Receipts in New York State From Sources Within New York State*.

Line 4 – Enter the total number of gallons of nondiesel motor fuel substances such as cetane improvers that were added to and increased your overall inventory of diesel motor fuel.

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.

Part A - Computation of the Article 12-A Diesel Motor Fuel Tax (lines 8 through 23)

Line 8 – Enter the total number of gallons from Form PT-102.1, Part(s) III, *Sales of Unenhanced Diesel Product to Persons Registered Under Article 12-A for Diesel Motor Fuel*.

Line 9 – Enter the total number of gallons from Form PT-102.1, Part(s) IV, *Sales to United States Government, New York State and Municipalities*.

Line 10 – Indicate the total number of gallons from Form PT-102.2, Part(s) I, *Transfers Out of New York State*, prepared for each state(s) and Canadian province(s).

Line 11 – Enter the total number of gallons from Form PT-102.2, Part(s) II, *Sales in New York State for Immediate Export*, that was prepared for each state(s) and Canadian province(s).

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, *Farmers' Exemption Certificate for Purchases of Diesel Motor Fuel/ Residual Petroleum Product*, 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 water-white kerosene (K-1) upon which the tax has not been passed through to the purchaser and which was 1) 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, or 2) sold at your own filling stations to consumers for heating purposes in containers of no more than 20 gallons.

Line 14 – 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 sold to nonairline operators.

Line 15 – Enter the total number of gallons of untaxed and unenhanced diesel motor fuel sold to consumers for heating or production purposes and the total number of gallons of enhanced diesel motor fuel sold to consumers exclusively for heating purposes and delivered into a storage tank attached to a heating unit. You must have Form FT-1025, *Certificate for Exemption from Certain Taxes Imposed on Diesel Motor Fuel*, on file for each such sale of enhanced diesel motor fuel over 4,500 gallons upon which the tax was not passed through. Also include the total gallons you used for heating and production. Do not include sales made from filling stations.

Line 16 – 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 line 16 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, TTTB-FACCTS, Fuels Audit Unit, W A Harriman Campus, Albany NY 12227-0250, requesting to include the loss on your tax return.

Line 19 – Enter the total number of gallons of diesel motor fuel included on lines 1, 2 or 3 that you purchased with diesel motor fuel tax passed through to you and which:

- 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 21 - Adjustments – Enclose in brackets all gallon amounts that are being subtracted. Enter the net number of gallons of diesel motor fuel from the following:

- diesel motor fuel sold at your filling station(s) to consumers in containers of 10 gallons or less for heating purposes upon which you have not passed through the taxes. This figure should be subtracted from line 20 when computing line 22.

  Do not include sales of water-white kerosene (K-1) that are reportable on line 13.
- diesel motor fuel that you withdrew from your diesel motor fuel inventory during the month to compound or blend with any product to produce No. 4 diesel fuel or any nondiesel product (e.g., No. 2 fuel oil used to blend with No. 6 residual fuel oil to produce No. 4 diesel fuel). This figure should be subtracted from line 20 when computing line 22. You must keep records of any disposition of No. 4 diesel fuel or any nondiesel product that you blended using diesel product that you withdrew from your inventory. In addition, you must indicate whether the gallons compounded or blended were for sale or for self-use.
- bulk inventory gains of diesel motor fuel sold or used. This figure should be added to line 20 when computing line 22.
- adjustments (in gallons) from prior periods. Subtract a credit or add a debit to line 20 when computing line 22.

You should claim any refund/reimbursement of the diesel motor fuel tax as an adjustment (any adjustment should be subtracted from line 20 when computing line 22). You may claim these refunds/reimbursements:

- gallons of diesel motor fuel used by you in any manner except to operate a motor vehicle on the public highways of New York State or to operate a pleasure or recreational motor boat on the waterways or bordering waterways of New York State. Include gallons consumed by you off highway and in power take-off units. No credit is allowed for diesel motor fuel taken out of New York State in the fuel tank of a motor vehicle.
- gallons of diesel motor fuel consumed by you exclusively in educational related activities, if you are **both** a distributor **and** a nonpublic school operator.
- gallons of diesel motor fuel consumed by you **and** used exclusively for your purposes, if you are **both** a distributor **and** any of the following: a) a hospital (indicate the sales tax exempt number shown on your *Exempt Organization Certificate* (Form ST-119) in the explanation portion of line 21), b) a governmental entity, c) a fire company or fire department as defined in section 3 of the Volunteer Firefighter's Benefit Law, or d) a volunteer rescue squad supported in whole or in part by tax money.

Explain all adjustments in detail on line 21 of the tax return. Attach additional sheets, if necessary, to explain the adjustments.

Line 23 – Transfer the amount on line 23 to line 4, Column A, on Form PT-100.

Part B - Computation of the Article 13-A Automotive Diesel Motor Fuel Tax (lines 24 through 43)

Line 32 – Enter the total gallons of kero-jet fuel included in line 24 and not included in lines 25, 26, 27, 28, 29, 30 and 31. Kero-jet fuel is exempt from the 13-A automotive diesel motor fuel tax. If you deal in kero-jet fuel, you must complete Form PT-104.

Line 33 – Enter the total number of gallons of kerosene (excluding water-white kerosene that was reported on line 13) included in the amount shown on line 24 and sold without being mixed or blended with any other product for heating or production purposes.

Line 34 – Enter the total number of gallons of other diesel motor fuel (other than kerosene that has not been mixed or blended with any other product) included in the amount shown on line 24, sold for heating or production purposes. Do not include enhanced diesel motor fuel sold for production purposes.

Line 39 – 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.

Line 41 - Other adjustments – Enclose in brackets all gallon amounts that are being subtracted. Enter the net number of gallons of diesel motor fuel from the following:

- Diesel motor fuel sold at your filling station(s) to consumers in containers of 10 gallons or less for heating purposes upon which you have not passed through the petroleum business tax. This figure should be subtracted from line 40 when computing line 42. Do not include sales of water-white kerosene (K-1) that are reportable on line 31.
- Bulk inventory gains (losses) of diesel motor fuel sold or used. This figure should be added to (subtracted from) line 40 when computing line 42. See instructions for line 16 regarding required substantiation.
- Diesel motor fuel purchased by you before September 1, 1990, and "sold, used or transferred" during this month where the diesel motor fuel was subject to the Article 12-A tax and, because you were registered under Article 13-A as a petroleum business, no petroleum business tax was charged by your supplier. This figure should be added to line 40 when computing line 42.
- Diesel motor fuel included in the amount on line 40 purchased by you before September 1, 1990, and "sold, used or transferred" during this month where the Article 13-A gross receipts tax was included in your cost because you were not registered as a petroleum business under Article 13-A. This figure should be subtracted from line 40 when computing line 42.
- Adjustments (in gallons) from prior periods. Subtract a credit or add a debit to line 40 when computing line 42.

Explain fully in the space provided. Attach additional sheet(s) if necessary.

Line 43 – Transfer this amount to line 4, Column B, on Form PT-100.

Part C - Computation of the Article 13-A Nonautomotive Diesel Motor Fuel Tax (lines 44 through 53)

Line 45 – Enter the total number of gallons included in line 44 sold or used by you for residential heating purposes.

Line 47 - Other adjustments – Enclose in brackets all gallon amounts that are being subtracted. Enter the net number of gallons of diesel motor fuel from the following:

- Diesel motor fuel included in the amount on line 47 purchased by you before September 1, 1990, and "sold, used or transferred" during this month where the Article 13-A gross receipts tax was included in your cost because you were not registered as a petroleum business under Article 13-A. This figure should be subtracted from line 46 when computing line 48.
- Adjustments (in gallons) from prior periods. Subtract a credit or add a debit to line 46 when computing line 48.

Explain in the space provided. Attach additional sheet(s) if necessary.

Line 50 – Enter the total number of gallons from Form PT-102.3, Part(s) II, *Sales to Manufacturers for Use in Manufacturing.*

Line 51 – Enter the number of gallons of diesel motor fuel included on line 48 less: (a) gallons claimed on line 50 (manufacturing exemption/reimbursement); (b) fuel that was sold to an electric corporation for use in manufacturing or producing electricity for sale; and (c) fuel sold to an electric corporation by use of a direct pay permit. If you are an electric corporation, you may not include unenhanced diesel motor fuel that you used in fueling generators for the purpose of manufacturing or producing electricity. Only include gallonage that was included for the first time in the measure of the petroleum business tax on or after September 1, 1994.

Note: Exemption/reimbursement/credit cannot be claimed on both lines 50 and 51 for the same gallonage. Gallonage entered on line 50 under manufacturing exemption/ reimbursement cannot be claimed as commercial gallonage on line 51.

Line 53 – Transfer this amount to line 5, Column B, Form PT-100.

Instructions for Form PT-102.1

Diesel Motor Fuel - Schedule of Receipts and Nontaxable Sales

Part I - Receipts In New York State from Sources Outside New York State

For each out-of-state supplier from whom **you imported** diesel motor fuel during the month, enter the name and address of the supplier, the code for each product type and the total gallons of each product type that you imported.

Where diesel motor fuel has been imported from your own out-of-state facilities, enter the name and address of each facility, the code for each product type and the total gallons of each product type that you imported during the month.

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

You are the importer of diesel motor fuel if you:

1) have ownership of the fuel at the time the fuel enters New York State's jurisdiction; or
2) direct or control the importation of fuel into New York State.

Part II - Receipts in New York State from Sources Within New York State

For each supplier from whom you purchased or received diesel motor fuel in New York State, enter the name of the supplier, the supplier's Distributor of Diesel Motor Fuel registration number, the code for each product type, the total gallons of each product type that you purchased or received untaxed and the total gallons of each product type that you purchased or received with the tax passed through to you.

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

Part III - Sales of Unenhanced Diesel Product to Persons Registered Under Article 12-A for Diesel Motor Fuel

Enter the date, name, diesel motor fuel registration number, and number of gallons of unenhanced diesel product (e.g., No. 2 fuel oil, kerosene, etc.) sold to distributors of diesel motor fuel, retailers of heating oil only or distributors of kero-jet fuel only upon which the diesel motor fuel tax was not passed through. 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 such a hose or other apparatus).

You must have Form FT-1001, *Certificate of Sales Tax and Diesel Motor Fuel Tax Exemption for Interdistributor Transaction*, on file for each such customer.

Part IV - Sales to the United States Government, New York State and Municipalities

Enter (1) the date; (2) the name of the governmental entity to which you sold diesel motor fuel without passing through the diesel motor fuel tax; (3) the contract number or approval number; (4) the code number for each product type; and (5) the number of gallons of each product type sold.

The United States government and its agencies, and New York State, its agencies and municipalities are the only governmental entities that may purchase diesel motor fuel without paying the diesel motor fuel tax.

Part V - Sales to Exempt Organizations

Enter (1) the date (month and year); (2) the name and address of exempt organization to whom you sold unenhanced diesel motor fuel without passing through the petroleum business tax; (3) the exempt organization number; and (4) the number of gallons of unenhanced diesel fuel sold. Do not include sales for residential heating.

Only exempt organizations granted exemption from sales tax under sections 1116(a)(4) or 1116(a)(5) of the Tax Law may purchase unenhanced diesel motor fuel (No. 2 fuel oil) without paying the petroleum business tax. This fuel must be used in the furtherence 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 or Residential Petroleum Product 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.

Instructions for Form PT-102.2

Diesel Motor Fuel - Schedule of Transfers Out of New York State and Sales in New York State for Immediate Export

Part I - Transfers Out of New York State

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

1) List the name and address of:
   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 of Part I and enter the total on line *a* of Part I.
3) Enter on line *b* of Part I the number of gallons of diesel motor fuel that you shipped out of New York State and that you sold to governmental entities.
4) Enter on line *c* of Part I 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 *a*, *b* and *c* and enter the total on line *d* of Part I.

Submit two copies of each Part I with your tax return.

Part II - Sales in New York State for Immediate Export

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

For each transaction where you sell diesel motor fuel within New York State to a distributor or dealer registered or authorized to conduct business in the other state or province for immediate export to that state or province upon which the tax has not been passed through and for which you received a properly completed Form FT-1003, *Statement of Exportation of Diesel Motor Fuel by Purchaser*, enter (1) the name of the out-of-state distributor or dealer; (2) the date shipped; (3) the name of the transporter; (4) the loading point in New York State; (5) the code for each product type; and (6) the number of gallons of each product type.

Submit two copies of each Part II with your tax return.

Instructions for Form PT-102.3

Diesel Motor Fuel - Summary of Taxable Sales and Sales to Manufacturers for Use in Manufacturing

Part I - Summary of Taxable Sales

All sales that are subject to the diesel motor fuel excise tax are subject to the petroleum business tax at the automotive rate, except for sales to a distributor of kero-jet fuel only.

On the *Summary of Taxable Sales*, 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) List 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. Enter the name and diesel motor fuel registration number of each such registered person and number of gallons sold to each during the month. You do not have to enter the address of such registered persons.
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 sales if the diesel motor fuel excise tax was required to be passed through. Indicate the customer's name and the number of gallons of diesel motor fuel that you sold to each during the month. If the customer is a reseller of the diesel motor fuel, other than a registered distributor of diesel motor fuel, a retailer of heating oil only or a distributor of kero-jet fuel only, indicate the customer's sales tax or federal identification number; otherwise, indicate the customer's address.
5) Add the number of gallons in the *Gallons* column.

The total number of gallons shown on this summary is not to be indicated on any line of the tax return.

Part II - Sales to Manufacturers for Use in Manufacturing

Enter (1) the date you sold unenhanced diesel motor fuel for use in manufacturing without passing through the supplemental tax and related surcharge of the petroleum business tax; (2) the customer's name; (3) the customer's address or identification number; and (4) the number of gallons sold for manufacturing. Also include the total gallons you used for manufacturing.

Add the number of gallons shown in the *Gallons for Manufacturing* column of Part II and enter the total on line 50 of Form PT-102.

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

Need Help?

For information, forms or publications, call the Business Tax Information Center a 1 800 972-1233. The call is toll free from anywhere in the U.S. (including Alaska and Hawaii) and Canada. For information, you can also call toll free (from New York State only) 1 800 CALL TAX (1 800 225-5829). From areas outside New York State, call (518) 438-8581. For forms or publications, you can also call toll free (from New York State only) 1 800 462-8100. From areas outside New York State, call (518) 438-1073.

Telephone assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday.

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, please call the information numbers listed above.

Hotline for the Hearing and Speech Impaired - If you have a hearing or speech impairment and have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling 1 800 634-2110 toll free from anywhere in the U.S. (including Alaska and Hawaii) and Canada. Hours of operation are from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

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