New York State Department of Taxation and Finance

Instructions for Form PT-102

PT-102-I
(9/06)

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 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 include any petroleum business tax in the amounts on 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 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, TTTB-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 21)

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 from Form PT-102.4, Part 2, *Sales or use in manufacturing*.

Line 10 — Enter the total number of gallons from column A, Form PT-102.2, Part 2, *Sales to exempt organizations*.

Line 11 — 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 12 — 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 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 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, or 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 kerosene (excluding water-white kerosene reported on line 13) 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 15 — 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 16 — 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 17 — 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 18 — Enter the total number of gallons from Form PT-102.2, Part 3, *Exempt sales on Indian reservations.*

Line 19 — 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.*

Line 20 — 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 23 through 32)

Line 23 — Enter the total number of gallons of B20 sold or used for nonresidential heating/cooling purposes.

Line 24 — 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 25 — 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.

Line 26 — Enter the total number of gallons of unenhanced diesel motor fuel sold for the production of tangible personal property by refining, mining, or extracting for sale or for the production of refrigeration, electricity, steam, or gas for sale. You must have Form FT-1020, *Exemption Certification for Certain Taxes Imposed On Diesel Motor Fuel and Propane,* on file to cover such sales.

Line 27 — Enter the total number of gallons of kero-jet fuel sold to or for use by **nonairlines** as jet aircraft fuel. You must have Form FT-1020 on file to cover such sales.

Line 28 — 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.

Line 29 — Enter the total number of gallons from column B, Form PT-102.2, Part 2, *Sales to exempt organizations*.

Line 30 — Enter the total number of gallons from Form PT-102.4, Part 3, *Sales or use as railroad diesel*.

Line 31 — Enter the total number of gallons from Form PT-102.4, Part 4, *Sales or use of B20 for purposes other than heating*.

Line 34 — 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 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 37 — Adjustments – Enclose in brackets all gallon amounts that are being subtracted. Enter the net number of gallons of diesel motor fuel from adjustments from prior periods. Subtract a credit or add a debit to line 36 when computing line 38.

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

Line 38 — Balance due/credit – Transfer the amount on line 38 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

For each out-of-state supplier from whom **you imported** diesel motor fuel during the month, enter the date (various receipts during the month may be reported on one line without the date entry), the name, address and FEIN of the seller, 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 date, the name, address, and FEIN 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 have ownership of the fuel at the time the fuel enters New York State's jurisdiction or direct or control the importation of fuel into New York State.

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

For each supplier from whom you purchased or received diesel motor fuel in New York State, enter the date (various receipts during the month may be reported on one line without the date entry), the name and FEIN of the seller, the code for each product type, the total gallons of each product type that you purchased or received with the tax passed through to you and the total gallons of each product type that you purchased or received without the tax passed through.

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

Enter the date, the purchaser's name and FEIN 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,* or a copy of the direct pay permit on file for each such customer.

Part 2 - Sales to exempt organizations

Enter the date, the name, and address of the exempt organization to whom you sold unenhanced diesel motor fuel without passing through the petroleum business tax. Also enter the exempt organization number, the number of gallons of unenhanced diesel fuel sold for nonresidential heating/cooling in column A and gallons for purposes other than heating/cooling in column B. Do not include sales for residential heating.

Only exempt organizations qualified 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 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 or Residual 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.

Part 3 - Exempt sales on Indian reservations (include sales to exempt Indian nations or tribes and qualified Indian consumers)

Enter the date, the name, address, and FEIN of the purchaser to whom you sold diesel motor fuel without passing through any taxes, the code number of each product type, and the number of gallons of each product type sold.

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

Enter the date, the name of the governmental entity to which you sold diesel motor fuel without passing through the diesel motor fuel tax, the contract number or approval number, the code number for each product type, and the number of gallons of each product type sold.

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.

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) List the date and the name, address, and FEIN 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 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.

For each transaction you sold diesel motor fuel within New York State to a distributor or dealer authorized to conduct business in the other state or province for immediate export to that state or province, upon which the tax was not passed through, enter the following: (1) the date shipped; (2) the name and FEIN of the out-of-state purchaser; (3) the name and FEIN of the carrier; (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.

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) 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 date (various sales during the month may be reported on one line without the date entry), name, address and FEIN of the purchaser and the number of gallons sold to each during the month.
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

Enter the date you sold unenhanced diesel motor fuel for use in manufacturing without passing through the petroleum business tax, the purchaser's name, address, FEIN, and the number of gallons sold as railroad diesel for manufacturing. 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

Enter the date you sold diesel motor fuel for use as railroad diesel without passing through the petroleum business tax, the purchaser's name, address, and FEIN, and the number of gallons sold. 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, *Certificate for Railroad Diesel*, on file to cover such sales.

Part 4 - Sales or use of B20 for purposes other than heating

Enter the date you sold B20 for purposes other than heating, the purchaser's name, address, and FEIN, and the number of gallons sold. Also include the total gallons you use for purposes other than heating. Add the number of gallons shown in the gallons column.

Need help?

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

Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week. 1 800 748-3676

Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications: 1 800 462-8100

Business Tax Information Center: 1 800 972-1233

From areas outside the U.S. and outside Canada: (518) 485-6800

Hotline for the hearing and speech impaired: If you have access to a telecommunications device for the deaf (TDD), contact us at 1 800 634-2110. 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.

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 1 800 972-1233.