New York State Department of Taxation and Finance

Instructions for Form PT-102

PT-102-I
(8/13)

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 (NYS) is consumed exclusively by you, then you are not subject to the Article 13-A tax on petroleum products (see instructions for Line 47, *Adjustments).*

Diesel motor fuel is 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. Diesel motor fuel does not include any product specifically designated No. 4 diesel fuel.

Non-highway diesel motor fuel is 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 is any diesel motor fuel which is not non-highway diesel motor fuel.

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

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

Biodiesel is either qualified biodiesel or unqualified biodiesel.

Qualified biodiesel is 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 USC 7545) and that meets the ASTM International active standard D6751 for biodiesel fuel.

Unqualified biodiesel is a diesel motor fuel substitute produced from nonpetroleum renewable resources that does not meet the ASTM International active standard D6751 for biodiesel fuel.

Commercial gallonage is gallonage that:

- is non-highway diesel motor fuel or residual petroleum product;
- is included in the full measure of the non-highway diesel motor fuel component or the residual petroleum product component of the petroleum business tax;
- does not and will not qualify:
  - for the utility credit or reimbursement,
  - as manufacturing gallonage,
  - for the not-for-profit organization exemption, or
  - as fuel used for heating/cooling; and
- will not be used and has not been used in the fuel tank connecting with the engine of a vessel.

Railroad diesel means non-highway diesel motor fuel for use and consumption directly and exclusively in the operation of a locomotive or a self-propelled vehicle run only on rails or tracks, but only if either:

- all the fuel is delivered into a storage facility which is not equipped with a hose or other apparatus by which the fuel can be dispensed into the fuel tank of a motor vehicle and the facility is used only to fuel locomotives or self-propelled vehicles, or
- in accordance with the terms of sale, all the fuel is delivered directly into the tank of a locomotive or self-propelled vehicle.

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 (EIN) 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 Motor Fuel and Diesel Motor Fuel* or Form FT-970, *Uniform Manifest for Intrastate Movements of 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.

A *terminal* is a motor fuel or diesel motor fuel storage facility with a storage capacity of 50,000 gallons or more, excluding any facility where motor fuel or diesel motor fuel is stored solely for its retail sale at the facility. You must apply for registration as a terminal operator if you have the use of or control over, or the right to so use or control, such terminal.

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, EIN, etc.) requested on the original form, and the information is in the same format.

Lines 1 through 7 — Inventory

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 NYS. 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, 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 NYS. **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.

Lines 8 through 25 — Exempt sales and uses

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

Line 12 — Enter the total number of gallons of non-highway diesel motor fuel sold in NYS to farmers upon which you did not pass through the taxes from Form PT-102.2, Part 5, line 1. You must have Form FT-1004, *Certificate for Purchases of Non-Highway 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 directly and exclusively in the production phase of 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 that is non-highway diesel motor fuel (excluding sales reported on lines 8 through 14); for example, nonresidential heating or manufacturing.

Line 16 — Enter the **combined** total number of gallons from PT-102.2, Part 1a, *Sales of non-highway diesel motor fuel or untaxed qualified biodiesel to persons registered as a distributor of diesel motor fuel under Article 12-A,* and Part 1b, *Sales of untaxed highway diesel motor fuel delivered by pipeline, railcar, barge, tanker, or other vessel to a terminal of a registered/licensed operator, or sold within a terminal of a registered/licensed operator, where it was delivered.* See instructions for PT-102.2, Parts 1a and 1b.

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 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.

Lines 26 through 39 — Special tax rates

Lines 30 and 31 — Enter the total number of gallons of non-highway B20 on line 30 and the total number of gallons of other non-highway diesel motor fuel on line 31 sold to consumers to be used as commercial gallonage. Include the total gallons **you** used as commercial gallonage. You must have the indicated exemption certificate on file to cover such sales.

Examples of commercial gallonage include, but are not limited to, non-highway B20 or other non-highway diesel motor fuel:

- used directly and exclusively in the production of tangible personal property for sale by refining, extracting, and mining (Form FT-1020);
- used directly and exclusively in the production of gas, electricity (except sales to rate-regulated electric corporations), refrigeration, or steam, for sale, excluding kerosene (Form FT-1020);
- used in the production of tangible personal property for sale by farming, but not directly and exclusively in the production phase (for example, uses in administration, storage, and marketing) (Form FT-1004);
- delivered directly into the fuel tank of a generator (Form FT-1014, *Certification for Non-Highway Diesel Motor Fuel and Residual Petroleum Product Used for Commercial Purposes (Other Than Manufacturing or Farming));*
- delivered directly into the fuel tank of off-road construction equipment (for example, backhoes, cranes, etc.) (Form FT-1014); or
- delivered directly into the fuel tank of a refrigeration unit used for refrigerated storage (Form FT-1014).

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 undyed kerosene sold or used, provided the kerosene has not been blended or mixed with another product or used to operate a motor vehicle.

Lines 40 through 46 — Fully taxable sales and uses

Lines 41 through 43 — Enter on line 41 the total number of gallons of undyed kerosene reported on line 33, the total number of gallons of B20 on line 42 and the total number of gallons of other diesel motor fuel on line 43 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 47 — Adjustments — Enter the total adjustments. Adjustments include the following:

- A credit for use of non-highway 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.
- Adjustment for Article 13-A tax included on line 40 for petroleum products imported into NYS and consumed exclusively by you as an exempt organization under Tax Law section 1116(a).

Subtract a credit or add a debit to line 46 when computing line 48. 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 48 — Balance due/credit — Transfer the amount on line 48 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 NYS from whom **you imported** diesel motor fuel during the month.

Report receipts of diesel motor fuel that was imported from your own facilities located outside NYS.

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

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

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 NYS.

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

Instructions for Form PT-102.2

Diesel Motor Fuel Nontaxable Sales

Part 1a — Sales of non-highway diesel motor fuel or untaxed qualified biodiesel to persons registered as a distributor of diesel motor fuel under Article 12-A

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

Do not include any non-highway diesel motor fuel or qualified biodiesel 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 non-highway diesel motor fuel only, equipped with a hose or other apparatus).

Part 1b — Sales of untaxed highway diesel motor fuel delivered by pipeline, railcar, barge, tanker, or other vessel to a terminal of a registered/licensed operator, or sold within a terminal of a registered/licensed operator, where it was delivered

Complete the schedule by filling in all the requested information for each sale of untaxed highway diesel motor fuel to a distributor of diesel motor fuel.

Do not include any highway diesel motor fuel that has **not** been delivered by pipeline, railcar, barge, tanker, or other vessel to a terminal of a registered/licensed operator.

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 of non-highway diesel motor fuel to exempt organizations

Complete the schedule by filling in all of the requested information for each sale of non-highway 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 non-highway diesel motor fuel 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 Non-Highway 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 NYS public highways. Additionally, purchases of non-highway 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 and Diesel Motor Fuel*, or Form DTF-801, *Certificate of Indian Exemption for Certain Property or Services Delivered on a Reservation.*

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

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

NYS and its agencies and municipalities, and the United States government and its agencies 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 or use of non-highway diesel motor fuel for farming

Complete the schedule by entering all the requested information for gallons of non-highway diesel motor fuel sold in New York State to farmers. Include in column A gallons sold or used directly and exclusively in the production phase of farming. Include in column B gallons sold or used in farm production or commercial horse boarding operations, but not directly and exclusively in the production phase (for example, gallons sold for use in administration, storage, or marketing).

You must have Form FT-1004, *Certificate for Purchases of Non-Highway Diesel Motor Fuel or Residual Petroleum Product for Farmers and Commercial Horse Boarding Operations,* on file to cover these sales. Also, if you are a farmer, include gallons you used for farming.

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 NYS 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 NYS.
4) Enter on line 3 the number of gallons of diesel motor fuel that you shipped out of NYS 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 NYS 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 non-highway diesel motor fuel 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 on Form PT-102.

Part 2 — Sales or use of non-highway diesel motor fuel in manufacturing

Complete the schedule by filling in all of the requested information for each sale of non-highway 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 Non-Highway 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 non-highway 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 Non-Highway 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?

Visit our Web site at ***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.

Rate-per-gallon explanation chart

.044	- includes the rate for the petroleum business tax at the nonresidential heating rate only *(B20)*
.055	- includes the rate for the petroleum business tax at the nonresidential heating rate only
.081	- 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
.101	- includes the rate for petroleum business tax at the commercial gallonage rate only
.079	- includes the rate for petroleum business tax at the railroad rate only *(B20)*
.175	- includes the full non-highway rate for the petroleum business tax only
.099	- includes the rate for petroleum business tax at the railroad rate only
.1988	- includes the rates for diesel motor fuel excise tax (.064) and the petroleum business tax at the highway diesel motor fuel rate (.1348) *(B20)*
.2485	- includes the rates for diesel motor fuel excise tax (.08) and the petroleum business tax at the highway diesel motor fuel rate (.1685)
.255	- includes the rates for diesel motor fuel excise tax (.08) and the petroleum business tax at the non-highway diesel motor fuel rate (.175)