



Instructions for Form FT-500

Application for Refund of Sales Tax Paid on Petroleum Products

Who may use this form

- Exempt organizations (except for New York State [NYS] government entities)
- Exempt Indian nations or tribes
- Farmers or commercial horse boarding operators
- Omnibus carriers or vessel operators providing local transit service within NYS
- Purchasers of fuel used for residential heating
- Qualified Indians who are enrolled members of an exempt tribe or nation, and who took delivery of the motor fuel or diesel motor fuel on a qualified reservation for their use
- Manufacturers, processors, generators, assemblers, refiners, miners, and extractors
- Other purchase exempt pursuant to Tax Law Section 1115(a)

Note: This form may not be used to claim a refund of the prepaid sales tax. See Form FT-949, *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold Other Than at Retail Service Stations*, FT-950, *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold at Retail Service Stations*, FT-1007, *Application for Refund of Prepaid Sales Tax on Highway Diesel Motor Fuel Sold at Retail Service Stations*, FT-1010, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold Other Than at Retail Service Stations*, or *Schedule FR* of your sales tax return for details.

Line instructions

Period covered by claim: Enter the beginning and ending dates of the period for which this application is being made in the format shown. The period covered by the claim should be at least one month, but can include more than one month. The beginning date should be the first day of the month and the ending date should be the last day of the month.

Line 1

A — Exempt organizations: Organizations include religious, charitable, scientific, and educational institutions that have qualified for exempt status under NYS sales tax law; certain posts or organizations consisting of past or present members of the armed forces of the U.S.; and certain credit unions. See Publication 843, *A Guide to Sales Tax in New York State for Exempt Organizations*, for more information.

A NYS government entity may claim a refund by filing Form FT-504, *Claim for Refund of Taxes Paid on Fuel by a Government Entity*.

If you marked A, *by an exempt organization*, you must enter the exempt organization number. You must also attach a copy of Form ST-119, *Exempt Organization Certificate*, to this application.

B — Exempt Indian nations or tribes: Only the exempt Indian nations or tribes identified below are eligible for a refund of sales tax paid on their purchases of motor fuel and diesel motor fuel.

Exempt Indian nations or tribes:

- | | |
|----------------------------------|----------------------------|
| • Cayuga Nation | • Saint Regis Mohawk Tribe |
| • Oneida Nation of New York | • Seneca Nation of Indians |
| • Onondaga Nation | • Shinnecock Indian Nation |
| • Poospatuck or Unkechaug Nation | • Tonawanda Band of Seneca |
| | • Tuscarora Nation |

To qualify, the nation or tribe must have applied for and received a 6-digit exempt organization number from the Tax Department (Form ST-119). If you marked B, *by an exempt Indian nation or tribe*, you must enter the exempt organization number. You must also attach a copy of Form ST-119 to this application.

C — Farm production or commercial horse boarding

operations: Motor fuel and diesel motor fuel used or consumed in farm production or in a commercial horse boarding operation, or in both.

Attach a statement describing in detail the manner in which the motor fuel or diesel motor fuel was used.

Farming includes:

- agriculture, floriculture, horticulture, viniculture, viticulture, aquaculture and silviculture
- stock, dairy, poultry, fruit or vegetable, furbearing animals, graping, truck and tree farming
- ranching
- operating nurseries, greenhouses, vineyard trellises or other similar structures used primarily for the raising of agricultural, floricultural, horticultural, vinicultural, viticultural or silvicultural commodities
- operating orchards
- raising, growing, and harvesting crops, livestock and livestock products, and raising, growing, and harvesting woodland products, including, but not limited to, timber, logs, lumber, pulpwood, posts and firewood

A *commercial horse boarding operation* is an agricultural enterprise consisting of at least seven acres and boarding at least 10 horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production.

Note: A commercial horse boarding operation does not include operations whose primary on-site function is horse racing.

D — Omnibus carrier or vessel operator: Omnibus carriers and vessel operators who provide local transit service in NYS and operate pursuant to a certificate of public convenience and necessity issued by the NYS Commissioner of Transportation or by a like officer or agent of the U.S., or pursuant to a contract or agreement with New York City (NYC). An *omnibus* is a motor vehicle with a seating capacity of more than seven passengers used for the transportation of passengers for hire. A *vessel* is any type of watercraft with a seating capacity of more than 20 passengers that is used for the transportation on water of passengers for hire.

The refund applies to sales and use tax paid on fuel purchased and used in the operation of a qualifying omnibus or vessel. The refund is based on the *local transit service percentage*, which is the proportion that an omnibus carrier's vehicle mileage or a vessel operator's vessel hours operated in local transit service in NYS in the calendar year immediately preceding the end of the quarterly return period to which such refund relates bears to the total omnibus carrier's vehicle mileage or the vessel operator's total vessel hours operated in NYS in such year. The amount of the refund is determined by multiplying the sales or use tax paid by the omnibus carrier or vessel operator on its purchases of fuel during the quarter by the operator's local transit service percentage. If the omnibus carrier or vessel operator was not engaged in local transit service in the prior calendar year, it would determine its local transit service percentage with respect to its first four quarterly sales tax returns by using the proportion that the omnibus carrier's vehicle mileage operated or the vessel operator's vessel hours in local transit service in NYS in the first three months of operation bears to the omnibus carrier's total mileage or the vessel operator's total hours operated in NYS in those three months.

If the local transit service percentage is:	The refund or credit is:
Less than 10%	None
10%	10% of the combined state and local taxes paid
Greater than 10%, but less than 70%	10% plus the product of 1.5 times each whole percent of excess of 10% of the combined state and local taxes paid
70% or more	100% of the combined state and local taxes paid

Omnibuses

For omnibuses, *local transit service* means a mass transit service (as distinguished from a charter, contract, school bus, sightseeing, or other service) provided by an omnibus carrier in which passengers are carried by omnibuses from one point in NYS to another point in NYS and in performance of which the omnibuses either:

- regularly pick up or discharge passengers at their convenience or at bus stops on the street or highway, as distinguished from buildings or facilities used for bus terminals or stations; or
- pick up and discharge passengers at bus terminals or stations, the distance between which is not more than 75 miles, measured along the route traveled by the bus.

Vehicle mileage means the number of miles run by all omnibuses operated by a carrier in the performance of local transit service plus the number of idle miles run to the point at which service begins and from the point at which such service terminates. Such mileage includes only miles operated within NYS.

Total mileage operated includes the vehicle mileage plus the number of miles operated in charter service, school contract service, other contract service, excursion service, sight-seeing service, and all other passenger service which is not included within the meaning of vehicle mileage. Such mileage includes only miles operated within NYS.

Vessels

For vessels, *local transit service* means a mass transit service (as distinguished from a charter, contract, excursion, sightseeing or other passenger service) provided by a vessel operator in which passengers are carried by a vessel operator from one point in NYS to another point in NYS and in performance of which the vessels:

- regularly pick up and discharge such passengers as scheduled, or at their convenience, at designated piers, slips, docks, or other landings along waterways, as distinguished from buildings or similar facilities used as terminals or stations; or
- pick up and discharge passengers at terminals or stations, the distance between which is not more than 75 miles, measured along the route traveled by the vessels; or
- picks up and discharges passengers as described in both (a) and (b).

Vessel hours means the number of hours that all vessels are operated by a vessel operator in the performance of local transit service, plus the number of idle hours used to reach the point at which such service begins and from the point at which such service terminates. Such hours include only those hours operated in NYS.

Total hours operated means the vessel hours calculated as described in *Vessel hours*, plus the number of hours used in charter, contract, excursion, sight-seeing, and all other passenger service, which hours are not included in the meaning of vessel hours. Such hours include only hours operated in NYS.

Omnibus carriers and vessel operators

If you marked box D, *by an omnibus carrier or vessel operator in local transit service*, you must attach a copy of your local transit service percentage calculation.

E — Residential purposes: Fuel used for residential purposes is exempt from NYS sales tax, but is subject to local tax in some areas.

The Tax Law provides that residential energy sources and services are **not subject** to the 4% NYS sales and use tax rate and the 3% sales tax rate imposed within the MCTD. Counties and cities that impose a local sales and use tax may choose to either tax or exempt residential energy sources and services. If you purchased motor fuel or diesel motor fuel on which you paid full NYS and local sales tax and this fuel was used for residential purposes, you are entitled to a refund of the NYS, and possibly the local, sales tax. See Publication 718-R, *Local Sales and Use Tax Rates on Residential Energy*, for a listing of the local tax rates in effect on residential energy sources and services.

Attach a statement specifying the exemption claimed and describe in detail the manner in which the motor fuel or diesel motor fuel was used.

F — Qualified Indian: For a qualified Indian to obtain a refund, they must be:

- the direct purchaser and payer of record;
- an enrolled member of one of the exempt nations or tribes listed below;
- purchasing the motor fuel, diesel motor fuel, or heating oil for personal use and **not for resale**; and
- taking delivery of the fuel on a qualified reservation.

There is no refund for tax paid on fuel purchased or delivered to the qualified Indian off the reservation.

Only members of the following exempt Indian nations or tribes in NYS are entitled to a sales tax refund.

Exempt Indian nations or tribes:

- | | |
|----------------------------------|----------------------------|
| • Cayuga Nation | • Saint Regis Mohawk Tribe |
| • Oneida Nation of New York | • Seneca Nation of Indians |
| • Onondaga Nation | • Shinnecock Indian Nation |
| • Poospatuck or Unkechaug Nation | • Tonawanda Band of Seneca |
| | • Tuscarora Nation |

Qualified reservations are lands held by any of the *Exempt Indian nations or tribes* listed above that are either located within the reservation of that Indian nation or tribe in the state, or lands within the state over which an exempt Indian nation or tribe listed above exercises governmental power and that are held by the Indian nation or tribe subject to restrictions by the United States against alienation or in trust by the United States for the benefit of that Indian nation or tribe. Any of the lands described in this section that may be sold and replaced with other land in accordance with an Indian nation's or tribe's land claims settlement agreement with the state of New York are subject to restriction by the United States against alienation.

If you marked F, *by a qualified Indian*, you must enter the tribe or nation and the qualifying reservation the fuel was delivered to.

G — Manufacturers, processors, generators, assemblers, refiners, miners, and extractors: Motor fuel (such as gasoline or liquefied petroleum gas) and diesel motor fuel (highway or non-highway fuel) purchased for use directly and exclusively in the production of tangible personal property for sale are eligible for a refund of NYS and local sales tax. Purchases of motor fuel or diesel motor fuel used or consumed directly and exclusively in the production of gas, electricity, refrigeration, and steam for sale are also eligible for a refund from NYS and local sales tax **except** for the local tax imposed on sales and uses in NYC; however, the NYS portion of sales tax remains eligible for refund.

Schedule of motor fuel and diesel motor fuel purchases

You must submit copies of all invoices on which the claim is based. Invoices must be in the name of the claimant and show the amount of tax paid by the claimant. Receipts that do not identify the claimant as the purchaser are not acceptable.

If you need more space, attach additional sheets displaying the information in the same format as the form. Enter the total of the sales tax refund claimed on the additional sheets on the appropriate line.

Signature

The application must be signed and dated by the owner (if an individual), a partner (if a partnership), or by the president, treasurer, chief accounting officer, or any other person authorized to act on behalf of the corporation (if a corporation).

The fact that an individual's name is signed on the certification will be presumed evidence that the individual is authorized to sign and certify the report on behalf of the applicant.

Additionally, if anyone other than an employee, owner, partner, or officer of the applicant is paid to prepare the application, they are required to sign and date the application and provide their mailing address.

Paid preparer's responsibilities – Under the law, all paid preparers must sign and complete the paid preparer section of the form. Paid preparers may be subject to civil and/or criminal sanctions if they fail to complete this section in full.

When completing this section, enter your New York tax preparer registration identification number (NYTPRIN) if you are required to have one. If you are not required to have a NYTPRIN, enter in the *NYTPRIN excl. code* box one of the specified 2-digit codes listed in the table below that indicates why you are exempt from the registration requirement. You **must** enter a NYTPRIN **or** an exclusion code. Also, you must enter your federal preparer tax identification number (PTIN) if you have one; if not, you must enter your Social Security number.

Code	Exemption type	Code	Exemption type
01	Attorney	02	Employee of attorney
03	CPA	04	Employee of CPA
05	PA (Public Accountant)	06	Employee of PA
07	Enrolled agent	08	Employee of enrolled agent
09	Volunteer tax preparer	10	Employee of business preparing that business' return

When to file

You must file the application for refund within three years from the date the tax was payable to the Tax Department.

Where to file

Mail refund applications to: **NYS TAX DEPARTMENT
FUEL TAX REFUND UNIT
PO BOX 5501
ALBANY NY 12205-5501**

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed or paid your tax, you cannot use the date recorded by a private delivery service unless you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are

listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your form, contact that private delivery service for instructions on how to obtain written proof of the date your form was given to the delivery service for delivery.

Privacy notification

New York State Law requires all government agencies that maintain a system of records to provide notification of the legal authority for any request for personal information, the principal purpose(s) for which the information is to be collected, and where it will be maintained. To view this information, visit our website, or, if you do not have Internet access, call and request Publication 54, *Privacy Notification*. See *Need help?* for the Web address and telephone number.

Need help?



Visit our website at **www.tax.ny.gov**

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

Telephone assistance

Sales Tax Information Center: 518-485-2889

To order forms and publications: 518-457-5431

Text Telephone (TTY) or TDD equipment users: Dial 7-1-1 for the New York Relay Service