

Enforcement of the Truck Mileage and Fuel Use Tax Laws

Subject: Vehicles operating under dealer or transporter plates.

Effective June 5, 1997, a carrier operating a vehicle subject to New York's fuel use tax (including New York IFTA requirements) and/or truck mileage tax with dealer or transporter plates affixed to it, while carrying a load allowed under the New York State Department of Motor Vehicles rules and regulations governing the use of those plates, may exclude this use of the vehicle from truck mileage tax and fuel use tax reporting requirements. This changes our previous policy that is shown on page 3 of Publication 529 (7/96), *Guide for Law Enforcement Officials*. Previously, vehicles carrying any load while operating under dealer or transporter plates were deemed subject to our truck mileage tax and fuel use tax requirements, including our IFTA requirements.

Because of this change in policy, the operation of a vehicle in New York State while it is covered by the plates used in accordance with the New York State Department of Motor Vehicle's rules and regulations:

- does not require a permit and sticker under the truck mileage tax or the fuel use tax,
- does not require an IFTA license and decals, and
- is not subject to the truck mileage tax and the fuel use tax.

Please note, however, that other states may require an IFTA license and decals for similar operations within those states.

Further, for the operations of a vehicle covered by these plates, the carrier:

- must not include the mileage in the taxable New York mileage on its tax returns,
- must not claim credit on its IFTA tax return for fuel purchased in New York and used during these operations, but
- must include the mileage in the total miles on its IFTA tax return when computing the average fleet MPG.

Carriers operating a vehicle with a load, using dealer plates, transporter plates, or similar indicia issued by other states or jurisdictions, in accordance with the New York State Department of Motor Vehicles rules and regulations governing the use of dealer or transporter plates, are also excluded from the truck mileage tax and the fuel use tax requirements while operating in New York.