

STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
ALBANY, NEW YORK

Pursuant to the authority contained in subdivision First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523, and subdivision (a) of section 528 of the Tax Law, the Commissioner of Taxation and Finance hereby makes and adopts the following amendments to the regulations with respect to the Fuel Use Tax, as published in Article 3 of Subchapter C of Chapter III of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (xxxiv) to read as follows:

| Motor Fuel | | | Diesel Motor Fuel | | |
|-----------------------------------|-------------|-------------|-------------------|-------------|--------------|
| Sales Tax | Composite | Aggregate | Sales Tax | Composite | Aggregate |
| Component | Rate | Rate | Component | Rate | Rate |
| (xxxiii) January - March 2004 | | | | | |
| 10.5 | 18.5 | 33.1 | 10.3 | 18.3 | 31.15 |
| (xxxiv) <u>April - June 2004</u> | | | | | |
| <u>10.5</u> | <u>18.5</u> | <u>33.1</u> | <u>11.0</u> | <u>19.0</u> | <u>31.85</u> |

DATED: Albany, New York
April 29, 2004

Andrew S. Eristoff
Commissioner of Taxation and Finance