

STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
COMMISSIONER 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 proposes to make and adopt the following amendments to the Fuel Use Tax Regulations, 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 (xxxvii) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax	Composite	Aggregate	Sales Tax	Composite	Aggregate
Component	Rate	Rate	Component	Rate	Rate
(xxxvi) October - December 2004					
12.3	20.3	34.9	11.9	19.9	32.75
<u>(xxxvii) January - March 2005</u>					
<u>13.1</u>	<u>21.1</u>	<u>36.3</u>	<u>14.5</u>	<u>22.5</u>	<u>35.95</u>

DATED: Albany, New York
October 25, 2004

Andrew S. Eristoff
Commissioner of Taxation and Finance