



Instructions for Form PT-350

Petroleum Business Tax Return for Fuel Consumption — Commercial Vessels

Who must file

Operators of commercial vessels (tugboats, towboats, etc.) using motor fuel (gasoline) or diesel motor fuel in their vessels for consumption in New York territorial waters must file this report as required under Article 13-A of the Tax Law.

Note: Commercial fishermen who purchase motor fuel (gasoline) or diesel motor fuel at retail may obtain a reimbursement (refund) of the taxes paid on that fuel. For this reimbursement, the fuel must be for use in the operation of commercial fishing vessels engaged in the harvesting of fish for sale. Commercial fishermen may obtain a reimbursement of the excise tax, the state and local sales tax, and the petroleum business tax paid on the fuel by filing Form AU-631, *Application for Reimbursement of Taxes Paid on Fuel Used in a Vessel Engaged in Commercial Fishing*.

Commercial fisherman should not complete Form PT-350, Petroleum Business Tax Return for Fuel Consumption — Commercial Vessels, for such purchases.

Schedule of credits available

If claiming prior credits, complete all columns of the *Schedule of credits available* on back of PT-350. Total the amounts in column E for motor fuel and diesel motor fuel and enter the total on line 10, Column C, of Form PT-350. Attach additional sheets if necessary.

When to file

Form PT-350 is filed on a monthly basis for any month during which any portion of purchases of motor fuel or diesel motor fuel are used in commercial vessels operating in New York territorial waters. Returns must be filed no later than the 20th day of the following month. Returns filed after the due date are subject to penalty and interest charges. **No monthly return is required if business was not conducted in New York territorial waters during a particular month.** Consumption tax returns will not automatically be sent to taxpayers on a monthly basis. Returns can be requested by calling the telephone number listed on the back of these instructions.

General information

The Tax Department may require sales invoices, delivery tickets, or monthly statements signed by the dealer and showing the name and address of the dealer, name and address of the claimant, date of purchase, number of gallons, the type of fuel purchased, and the tax that was included in the purchase price. In addition, the department may require additional information as the Commissioner of Taxation and Finance deems appropriate.

Taxpayer information section

Enter the month and year for which you are filing, the federal employer identification number (or, if not applicable, your social security number), the legal name and address of the business, the DBA (if different from the legal name), and the business telephone number.

Line instructions

Line 1 — Enter in Columns A and B the total number of working days in New York territorial waters during the calendar month covered by this return. If none, enter "0" in the appropriate column.

Working days means days during which a vessel is sufficiently manned for the transportation of persons or cargo or when cargo is aboard, exclusive of dry dock days. Time is computed in hours and minutes, totaled for all vessels, and converted to 24-hour days. Passenger commuter ferry operators should **not include** on line 1, Column B (*Diesel motor fuel*), working days (converted from hours and minutes) in which they were providing mass transportation services in New York State territorial waters. Note: A passenger commuter ferry is providing mass transportation services when those services are recognized as such by: the state of New York, or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), or political subdivisions; the United States and any of its agencies and instrumentalities; or the Tax Department based on industry or regulatory practice.

Line 2 — In Columns A and B, enter the total number of working days at all locations (both in and out of New York territorial waters) during the calendar month covered by the return. Passenger commuter ferries should also include on line 2, Columns A and B, working days (converted from hours and minutes) in which the operator was providing mass transportation services in New York State.

Line 3 — Compute the working days ratio in each column by dividing the amount shown on line 1 by the amount shown on line 2, and enter the result.

Line 4 — Enter in Column A the total number of gallons of motor fuel purchased for use or consumption in vessels at all locations during the month covered by the return; enter in Column B the total number of gallons of diesel motor fuel purchased for use or consumption in vessels at all locations during the month covered by the return.

Line 5 — Compute the gallons of fuel used in New York State in both Columns A and B by multiplying the working days ratio on line 3 by the number of gallons shown on line 4 and enter the result.

Line 6 — Enter in Column A the total number of gallons of motor fuel purchased in New York State for use in vessels; enter in Column B the total number of gallons of diesel motor fuel purchased in New York State for use in vessels for which you can substantiate that the petroleum business tax was paid at the time of purchase.

Line 7 — Compute the total number of gallons of fuel actually subject to the consumption tax by subtracting the number of gallons shown on line 6, Column A and B, from the number of gallons shown on line 5, Column A and B, and enter the result. If the result is a negative figure, enclose it in brackets.

Line 8 — Enter the applicable rate of the petroleum business tax for motor fuel in Column A and the automotive rate for diesel motor fuel in Column B. Refer to Publication 908, *Fuel Tax Rates - Articles 12-A and 13-A of the Tax Law*, for correct tax rates for the filing period.

Line 9 — Compute the amount of tax due on motor fuel by multiplying the number of gallons shown on line 7, Column A, by the tax rate on line 8, Column A, and enter the result in Column A; compute the amount of tax due on diesel motor fuel by multiplying the number of gallons shown on line 7, Column B, by the tax rate on line 8, Column B, and enter the result in Column B. Total the amounts on line 9, Columns A and B, and enter in Column C.

Line 10 — Enter the amount of available credit, if any, as computed in the *Schedule of credits available* on the back of the form. A credit can only be used or carried for a period of two years from the date the fuel was purchased.

Line 11 — Compute the tax due/overpayment after credits. If there is a tax due on line 9, subtract line 10 from line 9. If the result is an overpayment, enter the amount on line 15. If there is an overpayment on line 9, add lines 9 and 10. Enter the result on line 15.

Line 12 — A penalty is imposed at the rate of 10% of the tax due for the first month or part of a month and 1% of the tax due for each subsequent month or part of a month in which the tax remains unpaid, up to a maximum penalty of 30%.

If a return is not filed within 60 days of the due date, the penalty will be determined as indicated above but will not be less than the lesser of \$100 or 100% of the tax due. In addition, failure to file returns and pay any tax due may result in criminal penalties under Article 37 of the Tax Law.

The penalty for failure to file applies only for those months in which you were required to file returns and pay any consumption tax due.

Line 13 — Interest is computed at the rate set by the Commissioner of Taxation and Finance and is compounded daily. It is computed from the day the tax was due until the date the tax is paid. Interest is a charge for the use of state funds and may not be waived. If you need help computing interest, call the tax information number below.

Line 14 — Total the amounts shown on lines 11, 12, and 13. Attach a check or money order payable to **Commissioner of Taxation and Finance** for the total amount due on line 14. Enter this amount on line 14 and in the remittance box on the front of the return.

Line 15 — If line 11 is an overpayment, enter the line 11 amount on line 15.

Line 16 — Enter the amount to be credited to next month's consumption return (or the next filed return if you have no fuel consumption next month in New York State). A credit can only be used or carried for a period of two years from the date the fuel was purchased.

Line 17 — Compute the amount to be refunded by subtracting the amount on line 16 from the amount on line 15 and enter the result. A request for a refund must be made within two years from the date the fuel was purchased.

Mail to: **NYS TAX DEPARTMENT**
PO BOX 1833
ALBANY NY 12201-1833

Certification

The return must be signed and dated by the owner (if an individual); a partner (if 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 shall be prima facie evidence that the individual is authorized to sign and certify the report on behalf of the business.

Privacy notification

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions, and forms, is found in Articles 8, 12-A, 13-A, 21, and 21-A of the Tax Law; and 42 USC 405(c)(2)(C)(i).

The Tax Department uses this information primarily to determine and administer the motor and diesel motor fuel, petroleum, highway use, and fuel use taxes under Articles 12-A, 13-A, 21, and 21-A of the Tax Law, and for any other purpose authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law. In some cases, failure to provide the required information may result in denial, cancellation, or suspension of a registration as a distributor of motor or diesel motor fuel or of a license as a terminal operator or importing/exporting transporter.

This information is maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 338, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and outside Canada, call (518) 485-6800.

Need help?



Telephone assistance is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday.

For business tax information, call the
 New York State Business Tax
 Information Center: 1 800 972-1233

For general information: 1 800 225-5829

To order forms and publications: 1 800 462-8100

From areas outside the U.S. and
 outside Canada: (518) 485-6800



Fax-on-demand forms: Forms are
 available 24 hours a day, 7
 days a week. 1 800 748-3676



Internet access: <http://www.tax.state.ny.us>



Hotline for the hearing and speech impaired:

1 800 634-2110 from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday. If you do not own a telecommunications device for the deaf (TDD), check with independent living centers or community action programs to find out where machines are available for public use.



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, please call 1 800 225-5829.



If you need to write, address your letter to:

NYS TAX DEPARTMENT
 TAXPAYER ASSISTANCE BUREAU
 W A HARRIMAN CAMPUS
 ALBANY NY 12227