

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

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Highway Use Tax
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Transportation of Packing Materials By Household Goods Movers

Under section 504(5) of Article 21 of the Tax Law, a vehicle used exclusively to transport household goods is exempt from the highway use permit requirements and the highway use taxes.

Questions have arisen regarding the exempt status of such a vehicle under the Highway Use Tax Law where, at times, the only cargo being transported in the vehicle consists of containers and other packing materials used by the household goods mover.

Although containers and other packing materials are not considered household goods, these packing materials are considered part of the unloaded weight of the vehicle where the transportation of the packing materials is an integral part of a move since the packing materials are "... used exclusively for the protection of the load carried by the vehicle or used exclusively for the loading or unloading of the vehicle" ("unloaded weight" as defined by section 501(7) of the Tax Law). In order to be an integral part of the move, the packing materials must be transported from the household goods mover's terminal, warehouse or other retail location to a move-site, from a move-site to another move-site, from a move-site to the terminal, warehouse or other retail location or, if upon completion of the move, from the move-site directly to a waste facility at the request of the consignee. Such transportation falls within the exemption for household goods movers.

However, if a vehicle is to be used to transport discarded furniture or other refuse to a disposal site along with the packing materials, a highway use permit must first be obtained from the Tax Department. Likewise, where a household goods mover transports packing materials from the terminal or warehouse to a waste facility or under any other circumstance where the transportation of packing materials is not deemed to be an integral part of the move, a highway use permit must first be obtained for the vehicle from the Tax Department.

During any month in which a vehicle is not used exclusively in the movement of household goods, a household goods mover must pay mileage and fuel use taxes on all mileage traveled within New York State by that vehicle during that month that is not covered by a 72-hour trip permit.

A household goods mover that is required to have a highway use permit may obtain a regular HUT permit and sticker or, for trips of up to 72 hours within New York State, may apply for a 72-hour trip permit (applicants are limited to ten 72-hour trip permits per year; additional trips must be covered by a regular HUT permit and sticker.) Include the maximum weight of any packing materials to be transported on any highway use permit as part of the unloaded weight of the vehicle.

To apply for a HUT permit and sticker, a household goods mover must file Form TMT-1, Application for Highway Use and/or Automotive Fuel Carrier Permit, and include a fee of \$15 for each motor vehicle for which a permit is required. The HUT permit and sticker are valid until replaced by a new series of permits and stickers at which time a fee of \$4 is charged for renewal. Each series of permits is replaced every three years. As long as a household goods mover has a valid HUT permit and sticker, a tax return must be filed even if no taxable operations occurred within the reporting period.

To apply for a 72-Hour Trip Permit, a household goods mover must file Form TMT-1.17, Application for 72-Hour Trip Permit, and include a fee of \$25 for each permit. Form TMT-1.17 must be filed at least 30 days before the effective date of the permit.

If a household goods mover requires the immediate use of a motor vehicle, permits may be obtained from a permit service.

A person who violates any provision of the Highway Use Tax, Article 21 of the Tax Law, upon a first conviction may be fined \$100 to \$250 and upon a second or subsequent conviction may be fined \$250 to \$500 or may be imprisoned for up to 10 days.