



Tax Law Amended to Allow Reimbursement of Petroleum Business Tax on Highway Diesel Motor Fuel Used in Farm Production

This memorandum explains an amendment enacted by Chapter 59 of the Laws of 2015 (Part AA).

Chapter 59 of the Laws of 2015 (Part AA) amended Article 13-A of the Tax Law to allow reimbursement of petroleum business tax that is passed through to the purchaser on highway diesel motor fuel (HDMF) used directly and exclusively in farm production. Prior to this amendment, purchasers using HDMF in farm production could only be reimbursed for the excise tax (Article 12-A) and the state and local sales tax (Articles 28 and 29) for HDMF used off-highway (other than for access to adjacent farmlands).

This reimbursement is allowed only for HDMF delivered to a farm site and consumed other than on the highways of New York State (other than for access to adjacent farmlands). You **cannot** receive a refund of the petroleum business tax for more than 4,500 gallons of HDMF purchased in a 30-day period unless you receive prior permission from the Tax Department.

For HDMF purchased on or after April 13, 2015, you may claim a refund of petroleum business tax by filing [Form AU-630](#), *Application for Reimbursement of the Petroleum Business Tax*.

You may continue to file a claim for refund of the excise tax and the state and local sales tax for HDMF used off-highway (other than for access to adjacent farmlands) on [Form FT-946/1046](#), *Motor/Diesel Motor Fuel Tax Refund Application*, and [Form FT-500](#), *Application for Refund of Sales Tax Paid on Petroleum Products*.

These refund applications must be filed within three years from the date of purchase.

Note: A TSB-M is an informational statement of existing department policies or of changes to the law, regulations, or department policies. It is accurate on the date issued. Subsequent changes in the law or regulations, judicial decisions, Tax Appeals Tribunal decisions, or changes in department policies could affect the validity of the information presented in a TSB-M.