



Manufacturing Certification for Diesel Motor Fuel and Residual Petroleum Product

Purchasers and sellers: Read the information on back and certifications carefully before giving or accepting this certificate.

Sellers: Your sales are subject to the applicable taxes on diesel motor fuel or residual petroleum product unless the purchaser gives you a properly completed certification no later than 90 days after the delivery of the product sold. Keep the certificate for at least three years.

Purchasers: This form must be completed by the purchaser and given to the seller.

Please type or print

| | |
|--|---|
| Name of seller | Name of purchaser |
| Street address | Street address |
| City State ZIP code | City State ZIP code |
| Seller's certificate of authority number | Purchaser's certificate of authority number |

Enter specific product type: _____ . (Use a separate Form FT-1012 for each product type.)

- Single-purchase certificate — enter the invoice or delivery ticket number _____ , and the number of gallons _____ .
- Blanket certificate — will be considered part of any order given to you and will remain in force until revoked by written notice. It covers only purchases of the specific product type indicated above.

Part I — Unenhanced diesel motor fuel

I certify that **all** (100%) of the unenhanced diesel motor fuel covered by this certificate is being delivered to the manufacturing site for use directly and exclusively in the production of tangible personal property for sale, by **manufacturing, processing, or assembly**, and will **not** be consumed on the highways of this state. The fuel will not be delivered to a filling station or a tank equipped with a nozzle or other apparatus that can fuel a motor vehicle. (This sale is exempt from the diesel motor fuel tax, the petroleum business tax, and the New York State and local sales taxes.)

with a nozzle or other apparatus that can fuel a motor vehicle or be used on the highways of this state. (This sale is subject to the petroleum business tax at the commercial gallonage rate for diesel motor fuel but is exempt from the diesel motor fuel tax and the New York State and other local sales taxes.)

- (d) I certify that _____% of the fuel is to be used in the production of gas, electricity (except if you are a rate-regulated electric corporation using the fuel in generators to produce electricity), refrigeration or steam for sale. The fuel will **not** be delivered to a filling station or a storage tank equipped with a nozzle or other apparatus that can fuel a motor vehicle or be used on the highways of this state. (This sale is subject to the petroleum business tax at the commercial gallonage rate for diesel motor fuel and, if delivered or used in New York City, the city of New York local sales tax, but exempt from the diesel motor fuel tax and the New York State and other local sales taxes.)

Part II — Unenhanced diesel motor fuel (If less than 100% of the fuel is to be used for manufacturing as stated above, check this box and indicate the appropriate percentages (must total 100%) of use.)

- (a) I certify that _____% of the fuel is to be used in the production of tangible personal property for sale as described above (must be supported by an engineering study).
- (b) I certify that _____% of the fuel is to be used for nonresidential (commercial) heating purposes. (This sale is subject to the petroleum business tax at the nonresidential heating rate for diesel motor fuel and the New York State and local sales taxes, but exempt from the diesel motor fuel tax.)
- (c) I certify that _____% of the fuel is to be used in the production of tangible personal property for sale by refining, mining or extracting. The fuel will **not** be delivered to a filling station or a storage tank equipped

- (e) I certify that _____% of the fuel is to be used for residential heating purposes. (This sale is exempt from the petroleum business tax, the diesel motor fuel tax, and the New York State sales tax but, if applicable, subject to local sales tax.)
- (f) I certify that _____% of the fuel is to be used for any other purpose (except on the highways of this state) than that stated above. (This sale is subject to the petroleum business tax at the automotive rate, the diesel motor fuel tax, and the New York State and local sales taxes, unless a valid exemption document is completed and given to the supplier.)

Note: Kerosene is exempt from the petroleum business tax when sold by a petroleum business registered as a *distributor of diesel motor fuel* or a *retailer of heating oil only* and the kerosene is not mixed or blended with other products, is not sold with any other petroleum product, or is not sold or used to operate motor vehicles or delivered into a tank equipped with a nozzle.

I certify that the above statements are true and complete, and I make these statements with the knowledge that willfully issuing a false or fraudulent certificate with the intent to evade tax is a misdemeanor under sections 1812(c)(4), 1812-f(c)(4), and 1817(m) of the New York State Tax Law and section 210.45 of the Penal Law, punishable by a fine up to \$10,000 for an individual or \$20,000 for a corporation. I also understand that the Tax Department is authorized to investigate the validity of exemptions claimed or the accuracy of any information entered on this form.

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| Signature of purchaser or authorized representative | Title | Date |
|--|-------|------|

Part III — Residual petroleum product

I certify that **all** (100%) of the residual petroleum product covered by this certificate is being delivered to the manufacturing site for use directly and exclusively in the production of tangible personal property for sale, by **manufacturing, processing, or assembly**, and will **not** be consumed on the highways of this state. (This sale is exempt from the petroleum business tax and the New York State and local sales taxes.)

Part IV — Residual petroleum product (If less than 100% of the product is to be used for manufacturing as stated above, check this box and indicate the appropriate percentages (must total 100%) of use.)

(a) I certify that _____% of the product is to be used in the production of tangible personal property for sale as described above (must be supported by an engineering study).

(b) I certify that _____% of the product is to be used for residential heating purposes. (This sale is exempt from the petroleum business tax and the New York State sales tax but, if applicable, subject to local sales tax.)

(c) I certify that _____% of the product is to be used for nonresidential (commercial) heating purposes. (This sale is subject to the petroleum business tax at the nonresidential heating rate for residual petroleum product and to the New York State and local sales taxes.)

(d) I certify that _____% of the product is to be used for any other purposes than that stated above except if you are a rate-regulated electric corporation using the product in generators to produce electricity. (This sale is subject to the petroleum business tax at the commercial gallonage rate for residual petroleum product and to the New York State and local sales taxes, unless a valid exemption document is completed and given to the supplier.)

General information

This certificate can be used to claim exemption from the taxes (the petroleum business tax, diesel motor fuel tax, and sales and use tax) on **unenhanced** diesel motor fuel and residual petroleum product as indicated on the front. You may use it for a single purchase or for blanket purchases of one specific type of product.

This certificate may not be used to purchase fuel for use in farm production; use Form FT-1004, *Certificate for Purchases of Diesel Motor Fuel or Residual Petroleum Product for Farmers and Commercial Horse Boarding Operations*.

Directly means the fuel must, during the production phase of a process, operate exempt production machinery or equipment, or create conditions necessary for production, or perform an actual part of the production process.

Exclusively means that all of the fuel is used entirely (100%) in the production process.

Production includes the production line of the plant, starting with the handling and storage of raw materials at the plant site and continuing through the last step of production where the product is finished and packaged for sale.

Manufacturing is the production of tangible personal property that has a different identity from its ingredients.

Processing is the performance of any service on tangible personal property that changes the nature, shape, or form of the property.

Assembly is the coupling or the uniting of parts or materials as a manufacturing process or a step in the manufacturing process that results in a new product.

Diesel motor fuel is kerosene, crude oil, fuel oil and other middle distillate, and also motor fuel suitable for use in the operation of a diesel engine. It does not include diesel product designated *No. 4 diesel fuel*, which is not suitable as a fuel used in the operation of a motor vehicle engine. It does not include residual petroleum product (No. 5 or No. 6 oil). (See Notice N-89-63 for further definition of No. 4 diesel fuel.)

Enhanced diesel product is the product that results from the addition of kerosene or any other substance or additive, such as cetane improver, to fuel oil or other middle distillate that improves or enhances the middle distillate's performance in the operation of a motor vehicle engine of the diesel type, other than the addition of a substance to No. 2 fuel oil for the purpose of lowering the cloud point or pour point.

This includes any product designated as diesel fuel, No. 1 diesel fuel, enhanced No. 2 fuel oil (the blended product that results from the mixing of No. 2 fuel oil with kerosene or cetane improver), No. 2 diesel fuel, and any similar industry designation commonly applied to a fuel used in the operation of a motor vehicle engine of the diesel type.

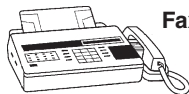
Unenhanced diesel motor fuel is No. 2 fuel oil, kero-jet fuel, kerosene, water-white kerosene, and all diesel motor fuel that is not enhanced diesel motor fuel.

Residual petroleum product is the topped crude of refinery operations including No. 5 fuel oil, No. 6 fuel oil, bunker C, and that special grade of diesel product designated *No. 4 diesel fuel*, that is not suitable for use in the operation of a motor vehicle engine. This product is sometimes used for the production of electric power, space heating, vessel bunkering, and other industrial purposes.

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Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

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| To order forms and publications: | 1 800 462-8100 |
| Business Tax Information Center: | 1 800 972-1233 |
| From areas outside the U.S. and outside Canada: | (518) 485-6800 |



Hotline for the hearing and speech impaired:
If you have access to a telecommunications device for the deaf (TDD), contact us at 1 800 634-2110. If you do not own a 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 1 800 972-1233.



If you need to write, address your letter to:
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BUSINESS TAX INFORMATION CENTER
W A HARRIMAN CAMPUS
ALBANY NY 12227