

## **8125.1301 REFUNDS FOR POWER TAKE-OFF UNITS OR AUXILIARY ENGINES.**

Subpart 1. **General rule.** A person who purchases and uses any gasoline or special fuel, on which the Minnesota gasoline or special fuel tax has been paid, for the operation of a power take-off unit (PTO) or auxiliary engine fueled from the same supply tank as the highway vehicle, may obtain a refund of the tax paid on the fuel consumed by the PTO, as calculated under subpart 4 or 5. The taxpayer must file a claim for refund as outlined in subpart 2. Refunds may not be obtained for fuel consumed during idling time.

Subp. 2. **Claim for refund.** All claims for refund must be submitted on a form PDR-1 or other form as prescribed by the commissioner. Claims must be filed within one year of the date of purchase of the fuel; however, if a claimant chooses to file on an annual basis, whether calendar year or fiscal year, the claim must be received by the commissioner within 60 days of the end of the claimant's accounting year. Claims may be filed as often as monthly. All refund requests must have attached an original sales ticket, bulk fuel invoice, or a signed dealer affidavit. Claimants must maintain records as prescribed under subpart 3.

Subp. 3. **Records to be maintained.** The claimant must maintain the following records:

A. The original sales ticket must have a preprinted number, the dealer's name and address, date, number of gallons, type of fuel, price per gallon, a description of the vehicle in which the fuel was placed, the purchaser's (customer's) name and address, the dollar amount of the sale, and the rate of tax or a statement that Minnesota tax is included in the price.

B. If bulk fuel is purchased, the customer must keep dispersal records that indicate the date of disbursement, the number of gallons withdrawn, and a description of the vehicle in which the fuel was delivered.

C. Fuel logs must be maintained and must be made available to the Department of Revenue upon demand.

D. In lieu of original sales tickets, the department will accept alternative records, including computer-generated listings or other electronically generated listings, as long as they clearly provide the necessary information.

Subp. 4. **Calculation of refund.** The percentages in this subpart are allowed for the refund of tax paid on gasoline or special fuel used in operating a PTO or auxiliary engine, when records as outlined in subpart 3 are maintained. The amounts are specified as a percentage of the total taxable fuel used by the vehicle; in other words, the fuel actually placed into the supply tank of the motor vehicle on which the PTO is attached. The refund will be equal to the tax actually paid on that percentage of the fuel.

The percentages are:

Concrete pumping truck	75%
Corn shellers	70%
Sewer cleaning or jet vactor	35%
Ready mixed concrete truck	30%
Sanitation and garbage trucks, including transfer trailers, rolloff trucks, recycling trucks, and container delivery trucks; septic pumpers	25%
Self-loaders and chip hauling vans (timber or logging)	20%
Line truck with digger or aerial lift (utility trucks)	20%
Semi-wreckers	15%
Bulk feed truck	15%
Service truck with jack hammer, drill, or crane	15%
Oil and water well service trucks (pump hoists and drill rigs)	15%
Dump trailer trucks and dump trucks	15%
Seeder trucks	15%
Tank trucks	15%
Tank transport	15%
Fertilizer spreaders or bulk fertilizer tender trucks	15%
Feed grinders	15%
Truck with hydraulic winch	15%
Carpet cleaning van	10%
Wreckers	10%
Hot asphalt distribution trucks	10%
Car carrier with hydraulic winch	10%
All other qualifying vehicles	10%

Subp. 5. **Optional means of calculating refund; information needed for refund claim.** A claimant may choose to forego taking the straight percentage under subpart 4 if accurate records and sufficient documentation are provided to the commissioner to substantiate the refund claim.

A. A claim for refund may include alternative information provided from a hubometer (hub meter) or similar device that accurately measures the road use mileage of

a vehicle. This information is needed in order to separate the road miles from the PTO miles. The information provided must be sufficient to determine the actual number of miles for which the PTO is engaged while the vehicle is stationary. The refund will then be based on the actual amount of fuel used to run the PTO. This provision is only applicable if the claimant chooses not to take the straight percentage available under subpart 4, and if the claimant provides the commissioner with the documentation needed to substantiate the claim.

B. A claimant with a vehicle that contains an on-board computer, which enables the claimant to produce accurate printouts containing detailed information regarding the amount of fuel used to propel the PTO, may submit those printouts to the commissioner with a refund claim. In such a case, the applicable general percentage under subpart 4 will not be used and the computer information shall be used by the commissioner to independently calculate the refund.

C. A claimant may use an alternative method, other than those listed in item A or B, to calculate the refund, provided that the claimant furnishes the commissioner with the proposed formula to be used, or other manner of substantiation, and receives written prior approval from the commissioner to use the alternate method.

Subp. 6. **Insufficient information or documentation.** If the commissioner determines that the optional information provided under subpart 5 is not sufficient, the applicable general percentage under subpart 4 shall be used to calculate the refund.

**Statutory Authority:** *MS s 270.06; 270C.06; 296.18; 296.27; 296A.02; 296A.16*

**History:** *22 SR 2156; L 2005 c 151 art 1 s 114*

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