

INSTRUCTIONS

DIESEL FUEL CLAIM FOR REFUND ON NONTAXABLE USES

GENERAL INFORMATION

If you paid diesel fuel tax on purchases of diesel fuel and if you used the tax-paid fuel for nontaxable purposes, you can obtain a tax refund by filing this form (BOE-770-DU). The law allows for claims to be filed once a year. However, if your claim exceeds \$750 for any calendar quarter, you may request to file your claims on a quarterly basis.

Do not use this form if you are claiming a tax refund for tax you paid for diesel fuel you used for farming purposes or in an exempt bus operation. Refunds for these types of uses can only be claimed by your supplier. You must seek reimbursement of the tax you paid from your supplier. Your supplier must claim a refund using BOE-770-DV "Diesel Fuel Ultimate Vendor Report/Claim For Refund."

The following are not subject to diesel fuel tax:

- Diesel fuel used in a vessel. A vessel is a boat, ship, barge, or other watercraft.
- Diesel fuel used for purposes other than operating motor vehicles upon the public highways of the state.
- Diesel fuel used to operate a power take-off (PTO) device. PTO generally is described as "an accessory mounted onto a transmission allowing power to be transferred outside the transmission shaft or driveline. The accessory will usually consist of a small gearbox with an external shaft, or a short shaft with a driveline yoke assembly for attaching an external driveline."
- Diesel fuel used in vehicles operated on highways under the jurisdiction of the U.S. Department of Agriculture. To qualify for a refund, the user must have paid for or contributed to the construction or maintenance of the highway.
- Other nontaxable uses may include diesel fuel used in a motor vehicle owned and operated by a public agency or political subdivision of the state (e.g., county, city and county, city, district) on highways constructed and maintained by the United States, or by any department or agency of the United States, within a military reservation within California. It may also include exporting of tax-paid undyed diesel fuel, other than in the fuel tank of a diesel powered vehicle, for use out-of-state.

If you are interested in filing your Diesel Fuel Claim for Refund On Nontaxable Uses form electronically with the State Board of Equalization (Board), please contact the Fuel Taxes Division at 916-322-9669.

To obtain the latest information on any product codes or if you need help completing this form, please call us at 916-322-9669 or visit the Board's website at: <http://www.boe.ca.gov/sptaxprog/spftdmfuels.htm>.

Note: If you are filing a claim for refund, you must complete the attached Receipt Schedule, and provide any other required attachments. If you do not provide the needed information, your refund may be delayed.

Preparation of Schedules

There is one supporting schedule for receipts included with every Diesel Fuel Claim for Refund On Nontaxable Uses. You must select the appropriate schedule code from the Diesel Fuel Schedule Codes list which is included with this claim (1A for tax-paid purchases or 2A for ex-tax purchases), and enter the schedule code on the Receipt Schedule. In addition to a schedule code to describe the activity covered, you must select a product code for the type of product reported and enter the product code on the schedule. For each schedule type there can only be one product type reported per page for the period. You will need to make a copy of the blank schedule included with this claim for each schedule and product code combination you will be using. For each schedule, complete the information in boxes (c) and (d) in the header of the schedule. Enter (c) the schedule code from the Diesel Fuel Schedule Codes list and (d) product code from the Diesel Fuel Product Codes description table. Boxes (a) Company Name, (b) Account Number and (e) the month and year for which the schedule applies will be completed for you. If not completed, please enter the appropriate information as it appears on the face of the claim form.

Preparation of Receipts Schedules

The following applies to Schedules 1A and 2A. **You do not need to supply the information in Columns (1) through (4).** Enter (5) Acquired from (seller's name), (6) Seller's Federal Employer Identification Number (FEIN), Social Security Number (SSN), or BOE Account Number if FEIN/SSN is not available, (7) Document date (enter as mm/dd/yy), (8) Document number (sales invoice or bill-of-lading), (9) Net gallons and (10) Gross gallons (information is not required, but if available, please include), and (11) Billed gallons.

Schedule 1A - Fuel Purchased Tax-Paid

Use schedule code 1A to report each undyed diesel fuel purchase with California tax paid for the period. The only product codes that should be entered on this schedule are the ones for Diesel Fuel - Undyed (from the product code table). Enter the total from Column 11 for all products listed on Schedule 1A to **line 1** of the report.

Schedule 2A - Fuel Purchased Ex-Tax

Use schedule code 2A to report each purchase of diesel fuel for use in California, purchased without California tax paid for the period. Please include purchases of both dyed and undyed diesel fuel on this schedule (on separate pages). Enter the total from Column 11 for all products listed on Schedule 2A to **line 2** of the report.

COMPLETING THE CLAIM FOR REFUND

- Claim Period Box** Be sure to complete the top section of the claim form on page 1 where we require you to enter your claims beginning and ending dates for this claim. Please enter the dates in the following format (mm/dd/yy - i.e., 04/01/03).
- Line 1.** Enter the total gallons of undyed diesel fuel purchased tax-paid for the period from Schedule 1A.
- Line 2.** Enter the total gallons of dyed and undyed diesel fuel purchased for use in California for the period from Schedule 2A.
- Line 3.** Enter the total gallons of undyed diesel fuel sold for the period. A detailed schedule is not required.
- Line 4.** Enter the total gallons of dyed diesel fuel sold for the period. A detailed schedule is not required.
- Line 5.** Enter the total gallons of diesel fuel purchased tax-paid and used in a vessel during the reporting period.
- Line 6.** Enter the total gallons of diesel fuel purchased tax-paid and used during the reporting period in construction equipment that is exempt from vehicle registration and is operated within the confines of a construction project.
- Line 7.** Enter the total gallons of diesel fuel used to operate vehicles off the highways in this state. **Do not include diesel fuel reported on other lines of this form.**
- Line 8.** Enter the total gallons of diesel fuel used to operate devices mounted on the vehicle and propelled by power take-off (PTO) from the vehicle. **Do not include diesel fuel reported on other lines of this form.**
- Line 9.** Enter the total gallons of diesel fuel purchased tax-paid and used in vehicles operated on a highway under the jurisdiction of the U.S. Department of Agriculture. To qualify for a refund, the user must have paid for or contributed to the construction or maintenance of the highway.
- Line 10.** Enter the total gallons of diesel fuel purchased tax-paid and used during the reporting period for a purpose other than operating a vehicle on the public highways of the state or used in some other nontaxable manner. Attach a letter explaining the nontaxable use(s) of the fuel reported on line 10, indicating the number of gallons for each type of nontaxable use.
- Line 11.** Enter the total gallons of tax-paid diesel fuel for which you are claiming a refund by adding lines 5 through 10.
- Line 12.** This is the current tax rate on diesel fuel.
- Line 13.** Multiply the total number of gallons on line 11 by the diesel fuel tax rate shown on line 12 and enter the result on this line. This is the total amount of your claim for refund of diesel fuel tax.

DIESEL FUEL SCHEDULE CODES

SCHEDULE CODE	SCHEDULE NAME
Receipts	
1A	Fuel Purchased Tax-Paid
2A	Fuel Purchased Ex-Tax

IF YOU WISH ADDITIONAL INFORMATION, PLEASE CONTACT THE STATE BOARD OF EQUALIZATION, FUEL TAXES DIVISION, P.O. BOX 942879, SACRAMENTO, CA 94279-0030, TELEPHONE 916-322-9669.

