
Rules of Department of Revenue Division 10—Director of Revenue Chapter 7—Special Motor Fuel Use Tax

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Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue Chapter 7—Special Motor Fuel Use Tax

12 CSR 10-7.010 Revocation of Private Rulings

PURPOSE: This rule notifies the public that private ruling letters issued by the Department of Revenue before January 1, 1973 will no longer be honored.

(1) Effective December 31, 1975 all written and verbal rulings issued by the Missouri Department of Revenue to specific taxpayers or groups of specific taxpayers before January 1, 1973 are withdrawn and canceled and are not binding upon the Department of Revenue for any tax liability arising after December 31, 1975.

(2) A ruling is defined to be a decision made by the director of revenue or his/her authorized agents which affects the payment of, accounting for or exemption from motor fuel and special use fuel tax, Chapter 142, RSMo (1986).

(3) If a ruling had been made on a specific taxpayer situation, it is necessary that the taxpayer resubmit a request in writing for a ruling on that or any future specific question or problem, setting forth the specific information pertaining to that situation.

*Auth: section 142.621, RSMo (1986).
Regulation 10-101 was filed July 17, 1972,
effective July 27, 1972.*

12 CSR 10-7.020 Tax-paid Purchases by Special Fuel Dealers and Users (Rescinded May 11, 1989)

12 CSR 10-7.030 Recordkeeping and Filing of Reports

PURPOSE: This rule sets forth the recordkeeping requirements of special fuel dealers and users, as well as their responsibilities to file monthly and quarterly reports with the director of revenue.

(1) Special fuel distributors, retailers and special fuel users shall keep accurate records of all purchases, sales, other dispositions, inventories and use of fuel for a period of at least three (3) years. The records shall include the mileage traveled and special fuel acquired in this state and in all states by interstate users

of special fuel together with an accurate computation of the miles traveled per gallon of special fuel consumed.

(2) The director of revenue is authorized to examine these reports and the books and records and equipment of any person who distributes, transports or stores special fuel to determine whether or not Chapter 142, RSMo has been complied with. The examination is authorized during the regular business hours of distributors, special fuel users or other persons.

(3) Persons who operate entirely intrastate and purchase all special fuel that they consume on a tax-paid basis and the fuel is placed into the motor vehicle fuel supply receptacle need not become licensed nor file reports; however, this person shall keep sufficient records related to the mileage driven for each vehicle using special fuels and tax-paid fuel invoices for each vehicle. Records of fuel purchased and mileage driven must be maintained for a period of three (3) years.

(4) Sales of special fuel to retailers are subject to special fuel tax. Special fuel retailers who acquire special fuel for resale are presumed to have delivered all this fuel into the fuel supply receptacles of motor vehicles for their propulsion upon the public highways.

*Auth: section 142.621, RSMo (1986).
Regulations 2—4 were filed July 17, 1972,
effective July 27, 1972. Amended: Filed
Nov. 9, 1983, effective March 11, 1984.
Amended: Filed Sept. 8, 1989, effective
Jan. 26, 1990.*

Consolidated Freightways Corp. of Delaware v. State, 503 SW2d 1 (Mo banc 1972) cert. denied 412 U.S. 919. The Department of Revenue's interpretation of the 1965 Motor Vehicle Fuel Tax Act as applying to special fuels as well as motor fuels should be given serious consideration by the courts in construing the intent of the Act, as a rule of statutory construction. However, this rule of statutory construction is applied only to statutes or constitutional provisions which are ambiguous or uncertain. We do not find the 1965 Act to be reasonably susceptible to different constructions; thus there is no ambiguity and no occasion to apply the rule of administrative interpretation.

12 CSR 10-7.040 Single Trip Permits

PURPOSE: This rule sets forth the procedures for obtaining single trip permits as well as the conditions under which the permits will be issued.

(1) Provision is made for single trip special fuel tax permits in section 142.422, RSMo (1986) for occasional trips in lieu of becoming bonded and licensed under the conditions set forth in sections 142.362—142.621, RSMo (1986). The permits are issued only upon the payment of a ten-dollar (\$10) fee for a seventy-two (72)-hour period beginning at the time of entry into the state. Each permit shall cover only one (1) vehicle. Application may be made for as many separate permits as needed. Sufficient money shall accompany the application to cover the total of permits requested. Personal checks will not be accepted. Applicant shall furnish the following information:

(A) Name of person to whom the permit is to be issued;

(B) Street address, city and state of the applicant;

(C) Year, model, make and serial number of the vehicle; and

(D) Point and time at which the vehicle will enter Missouri.

(2) Special fuel permits may be applied for and issued under the following conditions:

(A) If sufficient time allows, the permits may be applied for by United States mail and if all required information is in order and accompanied by the required amount of money, the permit will be issued and returned to the name and address shown on the application. There may be written request made to authorize the permits to be mailed to an address other than that of the home office, but that request shall be clearly stated;

(B) Permits may be applied for, using wire services available. Any wire service used shall be one (1) approved by the director of revenue. When using wire services, the same requirement is in effect as when the application is made by United States mail, that is payment of the ten dollar (\$10) fee for each permit; and

(C) There may be provision made for pre-purchase for a given quantity of permits as may be required and made available as a source, at other locations convenient to entry points into the state other than Jefferson City.

*Auth: section 142.621, RSMo (1986).
Regulation 5 was filed July 17, 1972,
effective July 27, 1972.*

**12 CSR 10-7.050 Lessors and Lessees of Motor Vehicles**

PURPOSE: This rule sets forth the responsibility for tax in situations involving leased motor vehicles.

(1) Special fuel used for propulsion of owned or leased vehicles is subject to tax. A lessee may deduct the mileage and the tax on the special fuel from their report on leased vehicles only if the vehicles have been leased from a lessor holding a valid permit as a special fuel user in Missouri for the period in which the motor vehicles are operated and all other conditions are met as required in Chapter 142, RSMo (1986), including the payment of tax on the fuel used in the vehicles by the lessor. The director may require that copies of the lease agreement accompany the tax report. If this request is made, it shall be made in writing and shall only be made when s/he deems it necessary to better clarify the tax reports. True copies of both the lease agreements and licenses shall be carried in each vehicle and presented on demand to authorized personnel with Missouri Department of Revenue and the Missouri State Highway Patrol.

(2) The allowance made for the deduction of tax on leased vehicles on which the lessor pays the amount of tax due shall not be construed as permitting the omission of the listing of any vehicle from the report nor designating the name and address of the lessor from whom each vehicle is leased. If more than one (1) lessor is involved during the tax reporting period, a complete list of the names and addresses shall accompany the report, separating the vehicles belonging to each lessor and listing their Missouri special fuel license numbers.

Auth: section 142.621, RSMo (1986). Regulation 6 was filed July 17, 1972, effective July 27, 1972.

12 CSR 10-7.060 Verification of Fleet Mileage—Acceptable Source Documentation

PURPOSE: The director of revenue has the responsibility of administering the Missouri Special Fuel Tax Act and in that capacity is required to make reasonable rules as are necessary to carry out the provisions of the Act. This rule sets out what an acceptable source document to verify fleet mileage must contain.

(1) Special fuel users shall keep source documents for miles traveled in each state and the total miles traveled in all states. An acceptable source document to verify fleet mileage is some type of individual vehicle mileage record. Individual vehicle mileage records must contain the following basic information:

- (A) Date (starting and ending);
- (B) Trip origin and destination;
- (C) All pick-up and delivery points;
- (D) Detailed route of travel;
- (E) Total trip miles;
- (F) Mileage by state;
- (G) Vehicle identification number or unit number;
- (H) Special fuel user's name;
- (I) Listing of fuel purchased; and
- (J) Driver's signature and name.

(2) Computer printouts and monthly reports such as fuel reports are merely recaps and are not acceptable at face value. These must be supported by an individual vehicle mileage report in order to be acceptable documentation of miles traveled.

(3) In computing miles traveled in the state the Director of Revenue shall determine mileage based on the Official Highway Map of Missouri.

Auth: sections 142.521 and 142.621, RSMo (1986). Original rule filed July 24, 1980, effective Dec. 11, 1980.

12 CSR 10-7.070 Use of Motor Fuel and Special Fuel in Same Vehicle

PURPOSE: This rule clarifies the status of vehicles which have the capacity to operate on both motor fuel and a special fuel.

(1) Any motor vehicle driven on the public roads and highways of this state that has attached to the vehicle's engine two (2) or more fuel supply receptacles of which at least one (1) receptacle contains or is designed to contain a special fuel as defined in section 142.362.(5), RSMo, shall be deemed a special fuel powered vehicle and must comply with the provisions of Chapter 142, RSMo relating to special fuel users.

Auth: section 142.621, RSMo (1986). Original rule filed June 9, 1982, effective Sept. 11, 1982.

12 CSR 10-7.080 Who Must Obtain Decals (Rescinded September 11, 1989)**12 CSR 10-7.090 Reporting Requirements for LP Gas Users and Dealers (Rescinded May 11, 1989)****12 CSR 10-7.100 Missouri Motor Fuel/Special Fuel Tax License**

PURPOSE: This rule specifies the requirement of displaying a copy of a Reinstated Missouri Motor Fuel/Special Fuel Tax License in the cab of each vehicle that the licensee operates in Missouri if the original license has been cancelled or revoked and subsequently reinstated.

(1) Any licensee, required by section 142.432, RSMo to have a copy of a Missouri Motor Fuel/Special Fuel Tax License in the cabs of vehicles s/he operates, whose license has been revoked by and subsequently reinstated by the Missouri Department of Revenue must display a copy of the reinstated license in the cab of each vehicle the licensee operates in this state.

Auth: section 142.621, RSMo (1986). Original rule filed Jan. 21, 1983, effective May 12, 1983.

12 CSR 10-7.110 Special Fuel Used in Private Passenger Automobiles (Rescinded May 11, 1989)**12 CSR 10-7.120 Charter Bus Defined (Rescinded September 11, 1989)****12 CSR 10-7.130 Special Fuel-Powered 26,000 Lbs., 2-Axle Truck Exemption—Pickups and Moving Vehicles**

PURPOSE: This rule clarifies the special fuel-powered 26,000 lbs., 2-axle truck exemption in section 142.513, RSMo.

(1) Licensing Requirements. Those vehicles exempt from the filing requirements under section 142.513, RSMo are also exempt from the special fuel licensing requirements under Chapter 142, RSMo. All fuel used by these vehicles must be purchased tax-paid.

(2) Purchase of Special Fuel by Exempt Vehicles. Special fuel-powered vehicles with a licensed gross weight of twenty-six thousand pounds (26,000 lbs.) or less, and all special fuel-powered, 2-axle vehicles leased for a period of thirty (30) days or fewer, used for moving household goods, are exempt from the

licensing and reporting requirements of Chapter 142, RSMo.

Auth: sections 142.621, RSMo (1986) and 142.513, RSMo (Cum. Supp. 1989). Original rule filed Nov. 1, 1985, effective Jan. 26, 1986. Amended: Filed March 22, 1989, effective Sept. 11, 1989.

12 CSR 10-7.140 Credit or Refund of Special Fuel Tax Used in Power Takeoff Units

(Rescinded May 11, 1989)

12 CSR 10-7.150 Methods for Determining Special Fuel Used in Power Takeoff Units

PURPOSE: This rule clarifies the auxiliary equipment exemption in section 142.581, RSMo (1986).

(1) Operators of ready mix concrete trucks, solid waste hauling vehicles (trash trucks), or both, equipped with a power takeoff (PTO) unit powered by the same engine used to propel the vehicle, may claim a credit or refund of the tax on thirty percent (30%) of the total taxable diesel fuel used in this state by each vehicle. As an alternative, operators may claim an exact refund or credit, provided it is documented by accurate records.

(2) For pump-off and all other PTO-type operations which are powered by the same engine that is used to propel the vehicle, the taxpayer may claim a refund or credit, if the claim is substantiated with records or other documentation establishing the fuel consumed by the PTO operation. Records may include hourly meter readings, tachograph or other records of measurement.

Auth: sections 142.581 and 142.621, RSMo (1986). Original rule filed Nov. 1, 1985, effective April 11, 1986.

12 CSR 10-7.160 Records

PURPOSE: This rule clarifies the auxiliary equipment exemption in section 142.581, RSMo (1986).

(1) Permitted users required to pay the special fuel tax must keep all records required by section 142.482, RSMo available for inspection by representatives of the Department of Revenue.

(2) Accurate records must be kept regardless of the method used. Records must include, at a minimum: vehicle type, vehicle identification number, use of vehicle, total miles traveled and Missouri miles, if different from the total miles, total fuel purchases and fuel consumption.

Auth: sections 142.581 and 142.621, RSMo (1986). Original rule filed Nov. 1, 1985, effective Jan. 26, 1986.

12 CSR 10-7.170 Sales Tax Applies When Fuel Tax Does Not

PURPOSE: This rule clarifies the auxiliary equipment exemption in section 142.581, RSMo (1986).

(1) The applicable sales tax must be paid on all special fuel on which the special fuel tax is credited or refunded.

Auth: sections 144.020 and 144.270, RSMo (1986). Original rule filed Nov. 1, 1985, effective Feb. 13, 1986.

12 CSR 10-7.180 Retail Dealer Licensing/Reporting Requirements: Multiple Locations

PURPOSE: This rule clarifies the licensing and reporting requirements for retail dealers of special fuel with one or multiple locations.

(1) Retail dealers may file a consolidated tax return and report multiple retail locations on the same report under one (1) license number only under the following conditions:

(A) The combined inventory for all locations must be reported monthly on part (1) of form number DOR-591. The information on the report shall include:

1. The itemized report of pump meter readings for each location must reflect the individual reading from each meter;

2. The geographical location for each retail facility shall be clearly indicated on the itemized report section; and

3. The meter readings from all locations must be combined in the summary of inventory information;

(B) Accurate pump meter readings must be used. Meters must be in proper working order and must be maintained and repaired as needed and in accordance with manufacturer's instructions. Records of maintenance and repair must be maintained for a period of three (3) years as part of the records of the dealer open to inspection by the director; and

(C) All retail dealer locations reported by the dealer under one (1) license number must utilize and maintain as records for three (3) years invoices which contain the name of the retail dealer and his/her special fuel dealer's license number. The retail dealer's name and license number must correspond with that appearing on the dealer's special fuel dealer's license.

(2) In cases where the retail dealer is unable to report as provided in section (1), separate licenses must be obtained and separate monthly returns (DOR-591) filed for each location.

Auth: section 142.621, RSMo (1986). Original rule filed Feb. 16, 1988, effective May 12, 1988.

INSTRUCTIONS
FOR SPECIAL FUEL DISTRIBUTOR TAX REPORT

1. This report and its supporting schedules must be made out monthly as indicated in the schedule below.

2. GALLONS RECEIVED	DATE TAX IS DUE
January	February 28
February	March 31
March	April 30
April	May 31
May	June 30
June	July 31
July	August 31
August	September 30
September	October 31
October	November 30
November	December 31
December	January 31

3. Please mail reports and remittances before due dates to avoid assessments of penalty and interest charges. A report is due regardless of whether or not any product is received.
4. Supporting schedules must be completed and attached to this report.
5. Gallons lost by leakage, theft, fire, etc. must be supported by an affidavit (which can be obtained by contacting the Tax Administration Bureau, Jefferson City, Missouri).
6. Special fuel tax and underground storage fee are two separate accounts. Distributors cannot use special fuel tax credits to pay underground storage fee or use underground storage fee credits to pay special fuel tax. Do not subtract credits to determine your total tax liability. The department will issue a credit letter to be used on your next month's report, or a refund check may be requested after you receive your credit letter.
7. Make remittance payable to Missouri Department of Revenue. Address all correspondence to Missouri Department of Revenue, Tax Administration Bureau, P.O. Box 300, Jefferson City, Missouri 65105-0300.



12 CSR 10-7.190 Fuel Inspection Fee

PURPOSE: This rule establishes the new reporting requirements for the accounts which are required to report and pay the inspection fee which the department began collecting January 1, 1988 pursuant to section 414.082, RSMo (1986).

(1) Every person first receiving within this state gasoline, gasoline-alcohol blends, kerosene, aviation turbine fuel, jet fuel or any other motor fuel used in spark-ignition internal combustion engines shall file with the Department of Revenue a report of inspection fee due, to be included as part of the motor fuel distributor report (form DOR-572) and pay the inspection fee on or before the last day of each month following the month the tax accrued.

(2) The inspection fees shall be paid on all gallons received less exports and sales to other licensed distributors.

(3) The rate of fee shall be one and one-half cents (1 1/2¢) per fifty (50) gallons. The rate shall be adjusted annually to cover the cost of administration; however, the fee shall not exceed one and one-half cents (1 1/2¢) per barrel. The minimum rate shall be one-half cent (1/2¢) per barrel.

Auth: section 414.142, RSMo (Cum. Supp. 1989). Original rule filed May 20, 1988, effective Sept. 29, 1988.