

810-8-1-.26 Licensed Distributor Refund for Sales to Licensed Exempt Entities. **(NEW RULE)**

(1) A licensed distributor who has sold gasoline and/or undyed diesel fuel without the state excise tax to an exempt entity that is licensed with the department in accordance with Section 40-17-332(j), Code of Alabama 1975, can file for a refund on forms prescribed by the department. However, sales of taxable gasoline and diesel fuel to licensed exempt entities that occur at a fixed retail pump available to the general public and that are charged to a credit card issued to the exempt entity are not allowed to be claimed on the Licensed Distributor Refund form. These sales must be claimed on the Credit Card Issuer Refund form. However, the following sales to licensed exempt entities can be included on the Licensed Distributor Refund form:

(a) Distributor lockbox sales at fixed pumps not available to the general public, or

(b) Sales from a licensed distributor owned retail station on credit, not with a credit card, and billed directly to the licensed exempt entity by the licensed distributor.

(2) A summary listing of sales to licensed exempt entities must be attached to the petition for refund. The listing must include the licensed exempt entity name, exempt license number, and the number of gasoline and/or undyed diesel fuel gallons sold.

(3) The petition must be filed on a monthly basis with a separate petition for each month and cannot include sales for any other period.

(4) Licensed distributors will also be eligible to receive an administrative allowance of two cents (\$.02) on each gallon of gasoline and diesel fuel claimed on sales to licensed exempt entities. The administrative allowance does not cover sales of taxable gasoline and diesel fuel to exempt entities that occur at a fixed retail pump available to the general public and that are charged to a credit card issued to the exempt entity.

(5) The statute of limitations for filing a refund is within two (2) years from the date that the fuel was sold to the licensed exempt entity.

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Authority: Sections 40-2A-7(a)(5), 40-17-323 and 40-17-329(b), Code of Alabama 1975

History: