



NORTH DAKOTA

Brian Kroshus, Tax Commissioner

MOTOR VEHICLE FUEL TAX REFUND R11 INDUSTRIAL

A claim for a refund of motor vehicle fuel (gasoline/gasohol) taxes may be filed by persons who use the fuel in non-licensed equipment for an industrial purpose. Any refund submission must be more than five dollars.

All motor fuel refunds must now be submitted electronically through the North Dakota Taxpayer Access Point (ND TAP) tap.tax.nd.gov.

When Can a Claim be Filed?

- Any time between January 1 and June 30 of the year following that in which the fuel was purchased.
- Any time during the year the fuel was purchased when the refundable taxes reach \$400.00 or more.
- Any time during the year the fuel was purchased if the person has gone out of business, or
- Any time during the year the fuel was purchased if the person will not be making additional purchases subject to a tax refund.

What Qualifies as an Industrial Purpose?

Industrial purpose means: a) Manufacturing, warehousing, or loading dock operation; b) Construction; c) Sand and gravel processing; d) Well drilling, well testing, or well servicing; e) Maintenance of business premises, golf courses or cemeteries; f) A commercial or contract painting operation; g) Electrical services; h) A refrigeration unit on a truck; i) A power-take-off unit; and j) Other similar business activity. Fuel used for an industrial purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include heating fuel, fuel used for an agricultural purpose, fuel used for a railroad purpose, or fuel used to operate a licensed motor vehicle.

Licensed Motor Vehicle Defined

As mentioned above, fuel used in licensed motor vehicles do not qualify for this refund. Licensed motor vehicles mean any motor vehicle required to be licensed to travel any distance upon public roads or highways but does not include a vehicle with a permanently mounted manure spreader or stack moving unit.

Please note: a motor vehicle that operates on any public road or highway is required to be licensed. Failure to license a vehicle does not make it eligible for a refund.

Invoices or Sales Tickets

You must scan and attach copies of all relevant invoices or sales tickets detailing your fuel purchases to submit your claim. These documents must have been created by the seller of the fuel. The law specifies that each invoice or sales ticket must include:

- The seller's name and address.
- The date the fuel was purchased.
- The type of fuel purchased.
- The number of gallons of motor vehicle fuel purchased.
- Your name or your business name.



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In addition, there should be a document number on the invoice or sales ticket. Invoices, sales tickets, or certified listings that do not contain the required information will not be accepted and the entire claim may be denied.

Certified Histories – An Alternative to Invoices or Sales Tickets

In lieu of individual invoices, you may submit a certified history detailing the required information. Certified histories must be prepared by the seller of the fuel and should detail each purchase of fuel for which a refund is being claimed. The history must include a certification statement verifying that the information is a true and correct record of sales to the specific consumer and that original documentation is available for audit purposes, if needed.

Completing the Equipment Schedule

To be able to submit your R11 Industrial Fuel Refund, you must complete the Equipment Schedule to verify the eligibility of gasoline gallons used. You must first provide a brief description of your industrial operation.

A listing of all qualifying equipment that consumed the gasoline being reported must be supplied with the following information:

- Type of gas-powered equipment – for example, loader, skid steer
- Brand/Manufacturer – for example, Ford, International
- Model Number
- Hours the machine was operated OR miles driven during the year
- Amount of fuel consumed by that equipment
- Brief description of how the equipment was used – for example, dumping sand, maintenance, hauling gravel

Reasonable estimates are acceptable for the machine hours or miles of operation, and the fuel consumed during the year.

Your refund cannot be submitted unless this schedule is fully completed.

Audit

All tax refund claims may be subject to audit by the Office of State Tax Commissioner. An audit may be conducted any time within three years after the due date of the claim. If your claim is selected for audit, you will be required to provide any additional information to verify that the claim was true and correct.

Contact Information

For more information on motor fuel refunds or if you have questions concerning the claim or the invoices, please contact the Motor Fuel Tax Section at 701-328-2702 or email fueltax@nd.gov.