

CHAPTER 18
MOTOR FUELS TAX

Authority

N.J.S.A. 54:39-10 and 54:50-1.

Source and Effective Date

R.2010 d.051, effective February 2, 2010.
See: 41 N.J.R. 4057(a), 42 N.J.R. 638(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 18, Motor Fuels Tax, expires on February 2, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 18, Motor Fuels Tax, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 18, Motor Fuels Tax, was readopted as R.1984 d.142, effective April 2, 1984. See: 16 N.J.R. 358(b), 16 N.J.R. 926(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Motor Fuels Tax, was readopted as R.1989 d.198, effective March 14, 1989. See: 21 N.J.R. 125(b), 21 N.J.R. 1020(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Motor Fuels Tax, was readopted as R.1994 d.187, effective March 14, 1994. See: 26 N.J.R. 777(a), 26 N.J.R. 1706(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Motor Fuels Tax, was readopted as R.1999 d.85, effective February 16, 1999. See: 30 N.J.R. 3610(a), 31 N.J.R. 777(b).

Chapter 18, Motor Fuels Tax, was adopted as new rules by R.2004 d.370, effective October 4, 2004. See: 36 N.J.R. 2304(a), 36 N.J.R. 4488(a).

Chapter 18, Motor Fuels Tax, was readopted as R.2010 d.051, effective February 2, 2010. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

18:18-1.1 Words and phrases defined

SUBCHAPTER 2. LICENSING

- 18:18-2.1 General powers
- 18:18-2.2 Bonds and penalties
- 18:18-2.3 Issuance of licenses
- 18:18-2.4 Request for hearing upon refusal to grant license
- 18:18-2.5 Revocation and cancellation of license
- 18:18-2.6 Hearings
- 18:18-2.7 Subpoenas for witnesses; records
- 18:18-2.8 Disobedience of subpoena
- 18:18-2.9 (Reserved)
- 18:18-2.10 Nature of hearings
- 18:18-2.11 through 18:18-2.13 (Reserved)

SUBCHAPTER 3. DISTRIBUTOR'S, IMPORTER'S AND GASOLINE JOBBER'S LICENSE; BONDS REQUIRED; RECORDS

- 18:18-3.1 Distributor's license; application
- 18:18-3.2 Refusal in certain cases
- 18:18-3.3 Gasoline jobber's license
- 18:18-3.4 Qualifications for license
- 18:18-3.5 Bond requirements
- 18:18-3.6 Amount of bond required

- 18:18-3.7 Bond duration
- 18:18-3.8 Deposit in lieu of bond
- 18:18-3.9 License issued when bond approved
- 18:18-3.10 License not assignable
- 18:18-3.11 Violations for acting as a distributor, importer or gasoline jobber without a license
- 18:18-3.12 Records
- 18:18-3.13 Statements with consignment
- 18:18-3.14 Physical inventory required
- 18:18-3.15 Furnishing of statement
- 18:18-3.16 Consignment taxable disposal
- 18:18-3.17 Segregated gasoline not in inventory
- 18:18-3.18 Disposals and receipts
- 18:18-3.19 Terms of licenses
- 18:18-3.20 Importer license; tax reports and payments
- 18:18-3.21 Records on transactions and invoices
- 18:18-3.22 Distributors are not required to have an importer's license to import gasoline
- 18:18-3.23 Jobbers importing fuels
- 18:18-3.24 Seller and user importing special fuels
- 18:18-3.25 through 18:18-3.31 (Reserved)

SUBCHAPTER 4. WHOLESALE AND RETAIL DEALERS AND TRANSPORT LICENSES

- 18:18-4.1 Retail dealer license; fee; display of license
- 18:18-4.2 Wholesale dealer license; fee
- 18:18-4.3 Restrictions on retail and wholesale sales
- 18:18-4.4 Wholesale or retail dealer license
- 18:18-4.5 Records required for a wholesale audit
- 18:18-4.6 Retail dealer records required
- 18:18-4.7 Wholesale license required when sales are made by a commissioned agent
- 18:18-4.8 Invoice on sales
- 18:18-4.9 Wholesale and retail sales require seller/user license for special fuel sales
- 18:18-4.10 Transport licenses

SUBCHAPTER 5. SELLER OF SPECIAL FUELS LICENSE, USER OF SPECIAL FUELS LICENSE (I.E., SELLER/USER), STORAGE FACILITY LICENSE

- 18:18-5.1 Seller/user license
- 18:18-5.2 Reporting; tax payment
- 18:18-5.3 Sales not subject to tax
- 18:18-5.4 Separate account; personal liability
- 18:18-5.5 Bonds; form; amount
- 18:18-5.6 Farmers
- 18:18-5.7 Storage facility operators
- 18:18-5.8 through 18:18-5.23 (Reserved)

SUBCHAPTER 6. CORPORATIONS

- 18:18-6.1 Persons subject to the Act
- 18:18-6.2 Corporations formed to evade the law
- 18:18-6.3 Previous violations preclude corporation from getting license
- 18:18-6.4 through 18:18-6.8 (Reserved)

SUBCHAPTER 7. IMPOSITION OF TAX AND TAX REPORTING

- 18:18-7.1 Distributors, importers and gasoline jobbers monthly tax reporting and payments; penalties
- 18:18-7.2 Special conditions on reporting by distributors, importers and gasoline jobbers
- 18:18-7.3 Electronic filing of motor fuels taxes
- 18:18-7.4 Seller/user tax reports and payments
- 18:18-7.5 Taxable sales by U.S. Government, State of New Jersey, any political subdivision of this State or department or agency of either
- 18:18-7.6 Tax reports using fractions of a gallon for all taxpayers
- 18:18-7.7 Reporting gallons based on invoices for all taxpayers

- 18:18-7.8 Losses listed on tax reports by licensed distributors, importers, and gasoline jobbers
- 18:18-7.9 Invoices delivered with sales; information required
- 18:18-7.10 Proper filing of reports
- 18:18-7.11 Audit
- 18:18-7.12 through 18:18-7.13 (Reserved)

SUBCHAPTER 8. FUEL CARRIERS

- 18:18-8.1 Reports by fuel carriers
- 18:18-8.2 Monthly report; contents
- 18:18-8.3 Inspection of transporter's records
- 18:18-8.4 Registration of conveyances; license plates
- 18:18-8.5 Delivery tickets required; Director or police may inspect
- 18:18-8.6 Fuel limit importation
- 18:18-8.7 Vessel and vehicle carrier regulations
- 18:18-8.8 Reports by water carriers
- 18:18-8.9 Water carrier's requirements
- 18:18-8.10 Suspension of license
- 18:18-8.11 through 18:18-8.12 (Reserved)

SUBCHAPTER 9. EXPORTS

- 18:18-9.1 Exported fuels exempt; proof required and must be reported
- 18:18-9.2 Export must be fully completed
- 18:18-9.3 Falsely obtaining fuel for export; crime of the fourth degree
- 18:18-9.4 through 18:18-9.5 (Reserved)

SUBCHAPTER 10. TAX PAID IN ERROR—REFUND AND APPEALS

- 18:18-10.1 Refunds paid out of escrow
- 18:18-10.2 Appeals
- 18:18-10.3 through 18:18-10.4 (Reserved)

SUBCHAPTER 11. COLLECTION OF TAXES

- 18:18-11.1 Suits by the Attorney General for taxes and penalties
- 18:18-11.2 Debt docketed; licensee deemed to accept procedure; appeal
- 18:18-11.3 Release of liens; payment or deposit
- 18:18-11.4 through 18:18-11.6 (Reserved)

SUBCHAPTER 12. OFFENSES, FINES AND PENALTIES

- 18:18-12.1 Failure to procure licenses; penalty
- 18:18-12.2 Failure to keep records
- 18:18-12.3 Failure to register conveyance; penalty imposed
- 18:18-12.4 Failure to have delivery tickets; penalty imposed
- 18:18-12.5 (Reserved)
- 18:18-12.6 False export claims; crime of the fourth degree
- 18:18-12.7 (Reserved)
- 18:18-12.8 Acting as a distributor or gasoline jobber without license; crime of the fourth degree
- 18:18-12.9 (Reserved)
- 18:18-12.10 False refund claims; failure to keep records on refund claims
- 18:18-12.11 Obtaining tax-free fuels illegally from U.S. Government, State of New Jersey, any political subdivision of the State or department or agency of either for disposal
- 18:18-12.12 through 18:18-12.15 (Reserved)
- 18:18-12.16 Seller or user of special fuels without license; penalties
- 18:18-12.17 Storage facility operator without license; penalties
- 18:18-12.18 Failure of storage facility operator to keep records; penalties
- 18:18-12.19 Certain untaxed special fuel subject to forfeiture

SUBCHAPTER 13. PROCEDURE FOR COLLECTION OF FINES AND PENALTIES

- 18:18-13.1 Law applicable except to crimes
- 18:18-13.2 Suit by Director; jurisdiction; process

- 18:18-13.3 Judgment; commitment for nonpayment
- 18:18-13.4 through 18:18-13.6 (Reserved)

SUBCHAPTER 14. EXEMPTIONS

- 18:18-14.1 Sales to Federal Government, State of New Jersey, any political subdivision of this State or to department or agency of either exempt; time limit for tax credit
- 18:18-14.2 Reporting tax-free sales to United States Government, State of New Jersey, any political subdivision of this State or to department or agency of either
- 18:18-14.3 Diplomatic missions and diplomatic personnel
- 18:18-14.4 (Reserved)

SUBCHAPTER 15. REFUNDS

- 18:18-15.1 Refundable uses; application for refund; supporting tax-paid invoices; distributor procedure
- 18:18-15.2 Distributor may take credit in lieu of refund; seller/user report of refundable use
- 18:18-15.3 Invoices required with claims; Director may permit otherwise
- 18:18-15.4 Payment of refunds; time limit; false statements and/or fraudulent payments; crimes
- 18:18-15.5 Records establishing claims
- 18:18-15.6 through 18:18-15.7 (Reserved)
- 18:18-15.8 Rural free delivery carriers
- 18:18-15.9 (Reserved)
- 18:18-15.10 Refund procedure for licensed exporters on export or sales for export
- 18:18-15.11 Separate invoices where refund claimed
- 18:18-15.12 through 18:18-15.20 (Reserved)

SUBCHAPTER 1. DEFINITIONS

18:18-1.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Blender” means and includes any person that produces blended fuel within the terminal system. As used in this definition the term “terminal system” means and consists of refineries, pipelines, and bulk terminals. Motor fuel in any supply tank or any tank car, tanker, or other equipment suitable for ground transportation is not considered to be within the terminal system. A person that engages in “splash blending” is not considered to be a blender within the meaning of this rule.

Example: S heating oil company drives its tank truck to a terminal in Linden. The truck contains No. 2 heating oil. At the terminal a quantity of kerosene is added to the load. The truck drives away, and as it travels over bumps in the road, the two products mix in the tank. Based on this activity the heating oil company does not qualify as a blender within the meaning of the term.

“Common carrier” means any person engaged in or employed in the business of carrying fuels for others for hire. (Historical Note: Formerly Reg. M.F.-10 filed 4/30/57.)

“Director” means the Director of the Division of Taxation in the Department of the Treasury.