

810-8-1-.24 Credit Policy Regarding Wholesale Oil/Import License Fee on Biodiesel Sold to a Licensed Supplier When Delivered to a Terminal.

(1) Section 40-17-174(e), Code of Alabama 1975, provides an exemption from the wholesale oil license fee for biodiesel sold to a licensed supplier when delivered to a terminal. The wholesale oil license fee is levied upon the selling of diesel fuel across the rack at the terminal and upon the import of the diesel fuel unless the permissive supplier, as defined in Section 40-17-322, Code of Alabama 1975, collects the import fee. Since the wholesale oil/import license fee is due on all diesel fuel that crosses the rack at the terminal in Alabama and on all diesel fuel imported into Alabama, the licensed supplier can take a credit on the annual wholesale oil/import license fee return for the gallons of biodiesel received by the licensed supplier at the terminal for which the licensed supplier has paid the wholesale oil/import license fee.

(2) Request for credit of the gallons of biodiesel sold to the licensed supplier at the terminal shall be made on forms furnished by the Department of Revenue. The licensed supplier is responsible for maintaining a copy of the original purchase invoices and any other information that the Department may deem necessary. The purchase invoice must show the following:

- (a) Date of Sale,
- (b) Name and Address of entity from whom the biodiesel was purchased,
- (c) Type of fuel as “biodiesel”,
- (d) Number of Gallons,
- (e) Invoice Number, and
- (f) Amount charged for the wholesale oil/import license fee.

(3) The statute of limitations for claiming this credit for the wholesale oil/import license fee is within 2 years from the date of payment of the tax.

(4) The licensed importer can exclude the gallons of biodiesel sold directly to the licensed supplier when the biodiesel fuel is delivered to the terminal from the gallons listed on the Wholesale Oil/Import License Fee Annual Return as Gallons Imported into Alabama by the Importer.

(5) This rule shall be effective October 1, 2014.

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Authority: Sections 40-2A-7(a)(5) and 40-17-174, Code of Alabama 1975.
History: Repealed: Filed April 29, 1996, effective June 3, 1996.
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