

Computation of Credit for Federal Tax on Gasoline, Special Fuels, and Lubricating Oil

▶ Attach this form to your income tax return.

Name (as shown on your income tax return)

Social security or employer identification number

Part I Type of Business Use	Gasoline, Diesel Fuel and Special Motor Fuels			Lubricating Oil		
	Number of Gallons Used (A)	Rate of Tax (B)	Multiply Column (A) by Column (B) (C)	Number of Gallons Used (D)	Rate of Tax (E)	Multiply Column (D) by Column (E) (F)
1 Nonhighway:						
a Farm (for farming purposes)02	\$			
		.04			.06	\$
b Commercial fishing vessel (See instructions C.4. and D.2.(c)):						
(i) Gasoline02				
(ii) Diesel fuel or special fuels02			.06	
		.04				
c Other (specify)02			.06	
		.04				
2 Intercity, local, and school buses (See instruction C.3.)02			.06	
		.04				
3 Gasoline/alcohol mixture04			.06	
4 Aircraft						
5 Totals			\$			\$

Part II Type of Business Use	Aviation Gasoline		
	Number of Gallons Used (A)	Rate of Tax (B)	Multiply Column (A) by Column (B) (C)
6 a Farm (for farming purposes) (Aerial applicators see instruction C.1.)04	\$
b Aviation (applies only to commercial use as defined in instruction C.6.)04	
7 Total			\$
8 Total income tax credit claimed. (Add line 5, columns (C) and (F) and line 7, column (C).) (See instruction B.)			\$

* Use rate paid or allowable rate if lesser

Instructions

(Section references are to the Internal Revenue Code unless otherwise specified)

At the time we printed this form, Congress was considering a proposal that could change the credit computation for aviation fuel listed on the form. If the proposal becomes law and applies to 1981, it must be considered in figuring your credit for 1981. We will use news media and other means available to provide you with information and instructions on any change.

Paperwork Reduction Act Notice.—The Paperwork Reduction Act of 1980 says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for the information to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure

and collect the right amount of tax. You are required to give us this information.

Refund Instead of Credit.—If you paid excise tax of at least \$1,000 (\$200 for gasoline/alcohol mixture) on any fuel category or lubricating oil in any one of the first three quarters of the tax year, you may file for a refund of the tax instead of claiming a credit for it on Form 4136. To claim the refund, file Form 843, Claim, before the end of the quarter following the one for which you are claiming the refund. Show separate computations for a claim on gasoline, special fuels, and lubricating oils. You may use Form 4136 as a worksheet to show your computations and attach it to the Form 843 you file.

You must claim a credit, rather than a refund, for any tax paid during the fourth quarter, and for any tax under \$1,000 (\$200 for gasoline/alcohol mixture) for any of the first three quarters. You must also claim the credit, rather than a refund, for tax paid on gasoline or special fuels used on a farm for farming purposes.

Do not claim as a credit on Form 4136 any amount that you previously claimed as a refund.

A. Purpose of Form 4136.—You must file this form if you claim credit for Federal excise tax on certain kinds of fuel. These include gasoline, special fuels, and lubricating oil as defined in instructions C, D, and E.

An individual, estate, trust, or corporation may file this form, but a partnership may not. However, when a partnership files Form 1065, U.S. Partnership Return of Income, it must include a statement showing:

- How many gallons of the fuels are allocated to each partner.
- The types of use, as shown in this form.

B. Year to Include the Credit Resulting from Business Use of Fuel or Oil.—When you claim a credit or refund, you must in-

(Continued on back)

clude it in your gross income to the extent it resulted in a reduction of your income tax. The year in which you include it depends upon your method of accounting.

1. Cash Method.—If you use the cash method, include the amount of credit in gross income for the tax year in which you file the tax return that claims the credit. If you file an amended return, or if you file a claim for credit or refund (and claim the credit for the tax), include the refund that results from the credit in your gross income for the tax year you receive it.

2. Accrual Method.—If you use the accrual method, figure the amount of the credit or refund due at the close of your tax year. Include it in income, even if you have not filed a claim for refund.

C. What Gasoline to Include.—You may claim credit for Federal excise tax on gasoline for farm uses, business nonhighway uses, intercity, local, and school bus uses, commercial fishing vessel uses, commercial aviation uses, and for mixing with alcohol.

1. Farm Use.—You may claim a credit for gasoline used for farming on a trade or business farm in the United States. Such farms include the following:

- Stock, dairy, poultry, fur-bearing animal, and truck farms.
- Plantations, ranches, nurseries, ranges, and greenhouses.
- Orchards.

Gasoline is considered used for farming only if the owner, tenant, or operator of the farm uses the gasoline. If gasoline is used for the farming tasks set forth below by anyone else, the owner, tenant, or operator is considered the user of the gasoline. There is an exception to this rule. An aerial applicator is considered to have used gasoline for farming when performing the farming tasks under the following conditions:

- The applicator is the ultimate purchaser of the gasoline; and
- The farm owner, tenant, or operator agrees not to be treated as the user and ultimate purchaser of the gasoline.

The following tasks are considered farming:

- (a) Cultivating the soil, and raising or harvesting any horticultural or agricultural commodity. This includes raising livestock, bees, poultry, fur-bearing animals, and wildlife.
- (b) Handling, drying, packing, grading, or storing any horticultural or agricultural commodity before manufacture, but only if the owner, tenant, or operator produced more than half of the commodity treated.
- (c) Planting, cultivating, or cutting trees, or preparing them for market. This does not include milling the lumber.
- (d) Operating, managing, conserving, improving, or maintaining the farm and its tools and equipment.

Gasoline is not considered used by you for farming under the following conditions:

- (a) It is used off the farm to transport livestock, feed, crops, or equipment.
- (b) It is used in processing, packaging, freezing, or canning operations.
- (c) It is used for personal purposes.
- (d) It is used on the farm of another person, even though used for farming.

Often a vehicle will be used on the farm both for farming and for nonfarming purposes. In these cases, show the number of gallons of gasoline used for each purpose when claiming credit.

2. Business Nonhighway Uses.—You may claim a credit of 2 cents a gallon for gasoline used for business nonhighway purposes. Business nonhighway use does not include gasoline used in a motorboat or in a highway vehicle that either:

- Is registered or required to be registered for highway use under the laws of any State, the District of Columbia, or foreign country; or
- Is owned by the United States and is used on the highway.

3. Intercity, Local, or School Bus Uses.—If you are the ultimate purchaser of gasoline for a bus that provides transportation (1) to the general public for a fee or (2) to students and school employees, you may claim a credit for the excise tax you paid on gasoline used for this service.

If you provide transportation on intercity and local buses on non-scheduled irregular routes, you may take the credit only if the seating capacity of the bus is at least 20 adults, not including the driver.

4. Commercial Fishing Vessel Use.—You may claim a credit for excise tax paid on gasoline used in a commercial fishing vessel in the amount of 2 cents a gallon. A commercial fishing vessel is one used in the fisheries or whaling business and used:

- Exclusively for catching shrimp and other types of aquatic life for sale commercially as bait, or
- On specific trips exclusively for catching fish to be sold commercially.

5. Gasoline/alcohol Mixture.—You may claim a credit for excise tax paid on gasoline mixed with alcohol. The alcohol must have been made from other than petroleum, natural gas, or coal. The mixture must have included at least 10% of 190 proof alcohol and must have been sold or used in your trade or business.

6. Commercial Aviation Use.—You may claim credit for excise tax on gasoline (but not other fuels) used in commercial aviation. For this purpose commercial aviation is the use of an aircraft in a business of carrying people or property by air for pay. The use of an aircraft may be considered noncommercial aviation if the aircraft:

- (1) Has a maximum certificated takeoff weight of 6,000 pounds or less and is not operated on an established line; or
- (2) Is owned or leased by a member of an affiliated group and is not available for hire to nonmembers.

D. What Special Fuels to Include.—

1. Definitions of Special Fuels.—

(a) **Diesel Fuel.**—This fuel is a liquid that is:

- (1) Sold for use in a diesel-powered highway vehicle; or
- (2) Used for fuel in such a highway vehicle. (This use is not taxable if there was a taxable sale of the fuel under (1) above.)

(b) **Special Motor Fuels.**—These fuels include benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natu-

ral gasoline and other liquid, except kerosene, gas oil, fuel oil, diesel fuel, or any product taxable under section 4081. Special motor fuels must be:

- (1) Sold for use as a fuel in a motor vehicle or motorboat; or
- (2) Used for fuel in a motor vehicle or motorboat. (This use is not taxable if there was a taxable sale of the fuel under (1) above.)

2. Uses of Special Fuels.—

(a) **Farm Use.**—You may claim credit for Federal excise tax on fuels as defined in D.1. See instruction C.1. for requirements for "farm use."

(b) **Intercity, Local, and School Bus Uses.**—You may claim credit for Federal excise tax on fuels as defined in D.1. See instruction C.3. for intercity, local, and school bus requirements.

(c) **Commercial Fishing Vessel Use.**—You may claim a credit for Federal excise tax on fuels as defined in D.1. of 2¢ or 4¢, whichever paid, that were used in vessels while employed in the fisheries or whaling business. See instruction C.4.

(d) **Nontaxable Uses.**—

(1) **Diesel and Special Motor Fuel.**—These fuels (defined in D.1.) may qualify for a credit in any of the following cases:

- You resold the fuel.
- You used the fuel for a nontaxable purpose.
- You used the fuel for a purpose that was not the one you bought it for. This other purpose must make a lower tax rate apply.

If any of these three conditions exist, claim as credit the figure you get by subtracting (a) the tax that applies to the actual use of the fuel, from (b) the tax imposed by section 4041 on the fuel sold to you.

E. What Lubricating Oil to Include.—You may claim an income tax credit for lubricating oil that is used in qualified business use, in a qualified bus, or in a commercial fishing vessel. You may include:

- Oil to lubricate plant machinery.
- Oil to lubricate vehicles such as aircraft, bulldozers, buses, power shovels, and farm tractors.

You may not include:

- Cutting oils.
- Used oil.
- Oil used in a highway motor vehicle, such as a truck, if used for other than business nonhighway use. See instruction C.2.
- Oil sold free of the Federal excise tax on lubricating oil. Such oil includes transformer or insulating oil, some motor fuel additives, crude neat's-foot oil, castor oil, and oils purchased excise-tax-free by use of an exemption certificate.

F. What Fuels Not to Include.—Do not include gasoline lost or destroyed through spillage, accident, or shrinkage. Such gasoline is not considered to be used and therefore does not qualify for credit or refund.

G. Additional Information.—Publication 225, Farmer's Tax Guide, and Publication 378, Fuel Tax Credits—Alcohol, Nonhighway Business Equipment, Buses, and Taxicabs, are available from the Internal Revenue Service.