



# Special Notice

STATE BOARD  
OF EQUALIZATION

## Prepayment of Sales Tax on Fuels

Effective April 1, 2012

450 N STREET  
SACRAMENTO, CA 95814

### Sales Tax Prepayment Rates Adjusted for 2012

Effective **April 1, 2012**, the prepayment rates for fuels (per gallon) will be as follows:

TYPE OF FUEL	CURRENT RATES	RATES EFFECTIVE April 1, 2012
Motor vehicle fuel (gasoline)	5.5 cents (.055)	7.0 cents (.07)
Aircraft jet fuel	14.0 cents (.14)	18.0 cents (.18)
Diesel fuel*	25.0 cents (.25)	26.5 cents (.265)

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[www.boe.ca.gov](http://www.boe.ca.gov)

TAXPAYER INFORMATION  
SECTION  
800-400-7115  
TTY:711

### Fuel Tax Swap Update-Diesel Sales Tax Rates

Effective July 1, 2012, Revenue and Taxation Code section 6051.8 and 6201.8 provide that the state sales and use tax rate on retail sales and purchases of diesel fuel will change. The tax rate for sales of diesel fuel will increase to 9.42 percent, plus any applicable district taxes, on July 1, 2012. If you sell diesel fuel, you will be affected by this tax rate change. Since the rate will be changing, you will want to ensure that you use the proper tax rate for sales of diesel fuel when establishing your tax included selling prices and reporting the tax due. When reporting diesel fuel transactions on line 15 of the sales and use tax return (BOE-401-GS), do not report red dyed diesel as red dyed diesel fuel is exempt from the additional state tax.

\* Effective July 1, 2012 the prepayment rate on diesel fuels sales may change again; if that occurs we will notify you.

By November 1 of each year, the Board of Equalization is required to establish the prepayment tax rate for the fuels indicated above. Except as noted above for diesel fuel, the prepayment rates are scheduled to remain in effect through March 31, 2013. However, rates may be adjusted if the price of these fuels increases or decreases, resulting in prepayments that consistently exceed or are significantly lower than the fuel retailer's sales tax liability.

### How the Rates Are Determined

The prepayment for each gallon of motor vehicle fuel, aircraft jet fuel and diesel fuel is based upon 80 percent of the combined state and local sales tax rate on the average selling price of the fuel, excluding sales tax, as determined by industry publications.

### Retailers - Fueling Services for Disabled Customers

Business and Professions Code, section 13660 requires service station operators and other motor vehicle fuel sellers to provide fueling service at the pump to customers with disabilities (see note for exemptions.) This code also requires sellers to charge no more than the self-service price for sales to their disabled customers. Consequently, if you provide fueling service at the pump to a disabled customer, you cannot charge more than the self-service (tax-included) price. "Disabled drivers" are considered to be drivers who display a Department of Motor Vehicles disabled person's plate or placard, or disabled veteran's plate.



Generally, you are required to post the following notice in a conspicuous location.

**Service to Disabled Persons**

*Disabled individuals properly displaying a disabled person's plate or placard, or disabled veteran's plate, issued by the Department of Motor Vehicles, are entitled to request and receive refueling service at this service station for which they may not be charged more than the self-service price. For information regarding enforcement of laws providing for access to refueling services for persons with disabilities, you may contact the AT Network by telephone at 800-390-2699 (TDD/TTY: 800-900-0706) or by email at [info@atnet.org](mailto:info@atnet.org).*

If refueling service for disabled persons is limited to certain hours, the above notice shall also specify those hours. (Note: you are not required refueling service for disabled individuals during any period of time when only one employee is on duty, or during a time when two employees are on duty, and one of them is assigned exclusively to the preparation of food.)

If you are not required to provide refueling service during any hours of operation you are required to post in a single location, the following notice in a manner that is conspicuous to the driver seeking refueling service.

**No Service to Disabled Persons**

*This service station does not provide refueling service for disabled individuals. For information regarding enforcement of laws providing for access to refueling services for persons with disabilities, you may contact the AT Network by telephone at 800-390-2699 (TDD/TTY: 800-900-0706) or by email at [info@atnet.org](mailto:info@atnet.org).*

**For More Information**

If you have additional questions regarding the sales tax prepayment rates, you may call our Taxpayer Information Section at 800-400-7115 (TTY:711). Customer service representatives are available weekdays from 8:00 a.m. to 5:00 p.m., Pacific time, except state holidays.

If you would like to know more about your rights as a taxpayer or if you have not been able to resolve a problem through normal channels (for example, by speaking to a supervisor), please see publication 70, *Understanding Your Rights as a California Taxpayer*, or contact the Taxpayers' Rights Advocate office for help at 916-324-2798 (or toll free, 888-324-2798). Their fax number is 916-323-3319. If you prefer, you can write to: Taxpayers' Rights Advocate, MIC:70; State Board of Equalization; P.O. Box 942879; Sacramento, CA 94279-0070