

Revenue Information Bulletin No. 06-030
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Excise Taxes

Requirements of Motor Fuel Exporters and Importers

Louisiana's new fuel tax law provides, at La. R.S. 47:818.37, a list of persons that are required to be licensed before doing business in this state, including exporters and importers. Exporters are required to file a monthly return in accordance with La. R.S. 47:818.28(A) and must remit any applicable tax due on gasoline or diesel fuel removed at a terminal rack to the supplier of the gasoline or diesel fuel.

According to La. R.S. 47:818.14(C), if the product is destined for a state that allows the supplier to collect their tax, that state's tax laws, including exemptions, would apply and the date by which an exporter remits the tax is governed by the laws of the destination state to which the gasoline or diesel fuel is to be exported. In the event the destination state prohibits collection of the tax, the supplier must collect the applicable Louisiana tax and/or fees, but both state's taxes and/or fees should never be collected. While there are no statutory prohibitions on sales to an unlicensed exporter, if a supplier does collect Louisiana tax and/or fees on gasoline or diesel fuel that is exported, the exporter must be licensed with Louisiana to apply for a refund.

In addition, La. R.S. 47:818.26(B) requires that an importer that imports any gasoline or diesel fuel outside the bulk transfer/terminal system, by transport vehicle or another means of transfer, should be licensed and is responsible for the filing of a monthly return and remission of the tax on the product so imported. "Outside the bulk transfer/terminal system" applies to any gasoline or diesel fuel removed from a rack where the seller is not a supplier or permissive supplier licensed with Louisiana. Product removed from such a rack in a state that does not require the seller of the gasoline or diesel fuel to collect the tax on the removal, either at that state's rate or the rate of the destination state, must be reported by the person causing the product to be imported and applicable taxes and fees paid.

If the gasoline or diesel fuel that was imported and on which the importer paid the Louisiana tax is later exported, the party causing the export must be licensed with Louisiana in order to apply for a refund of the Louisiana tax and/or fees.

Questions concerning this matter should be directed to the Taxpayer Services Division in Baton Rouge at 225-219-7656, option 2.

Cynthia Bridges

Secretary