

MARKETER

A Marketer is a person who is engaged in the wholesale or retail sale of motor fuel or special fuel. Marketers must be licensed to do business in South Dakota. A separate license is required for each business location within the state.

Selling Dyed Diesel and Dyed Biodiesel

Marketers may sell dyed diesel and dyed biodiesel untaxed to customers that use it for agricultural purposes. In addition, dyed diesel or dyed biodiesel may be sold untaxed to the state or its political subdivisions for use in their vehicles, machinery and equipment that are used in highway construction. All diesel or biodiesel sold to the state, political subdivisions, and school systems for vehicular use, including that used in buses, must be undyed.

Marketers are required to charge and collect sales tax on sales of dyed diesel and dyed biodiesel to licensed highway contractors. These sales are to be reported on the Marketer's sales tax return.

Selling Ethanol Blends and Methanol Blends

With the 2009 South Dakota Legislative Session, it was decided to tax all Ethyl Alcohol and Methyl Alcohol at the rate of \$.08 per gallon plus the \$.02 per gallon Tank Inspection Fee. This was done because of various levels of ethanol blends now seen in the industry.

If a Marketer sells an ethanol blend or methanol blend, the sales invoice must indicate what type of ethanol blend or methanol blend was sold (for example, E10, E20, E30 etc.).

Record Keeping/Acceptable Records

To ensure that the correct amount of fuel tax is collected on all fuel used on South Dakota roads and highways, the law requires Marketers to keep detailed records of all fuel transactions and deliveries. Marketers will need these records to accurately complete tax returns and must present them to Department personnel if they are audited or have their licenses reviewed. Records are to be maintained for a period of at least 30 days at the delivery location or a location approved by the Secretary. All records must be preserved for the current year and the three preceding calendar years.

Sales Records

Licensed Marketers must keep all sales invoices which must show the following:

- The seller's name and address, which shall be machine-printed or rubber stamped;
- The purchaser's name and address;
- The date of sale and delivery of the fuel;
- The number of gallons sold and delivered to the purchaser, the type of fuel and if diesel whether it was dyed or undyed;
- The price charged per gallon;
- The amount of fuel tax or sales tax charged, if any; and
- The total amount of the sales invoice

All invoices must be prepared on NCR (no carbon required) paper with double-faced carbon so that the back of the invoice bears a carbon impression of the data on the front.

Fuel Shipping Records

Licensed Marketers must maintain in their records all fuel shipping documents they receive, including bills of lading, drop load tickets, and diversion tickets. Marketers are responsible for inspecting any shipping document to insure that it indicates South Dakota as the destination state.

Other Records Required of Marketers

Licensed Marketers are required to keep these records in addition to those already discussed:

- Fuel disbursement records
- Monthly fuel inventories
- Weekly pump meter readings

The Secretary of Revenue & Regulation may require other pertinent records and papers necessary for the enforcement of fuel tax laws, including purchase records, journals, ledgers, payment records and banking records.

Payment and Reporting Schedule

Because Marketers purchase only tax paid motor fuel, tax paid clear special fuel and tax-exempt dyed special fuel, they have no fuel tax reporting or remitting responsibilities to the state.

Refunds

There are several situations in which marketers are entitled to refunds:

- For fuel taxes paid on all fuel that is later sold in bulk to an approved Indian Tribal School holding an exempt-user number. These refunds can only be claimed for deliveries made into bulk storage at the tribal school.
- For fuel taxes paid on all fuel that is later sold to the federal government or defense supply center for its consumption.
- For undyed diesel or undyed biodiesel delivered into a motor carrier refrigeration unit which is not attached to the engine supply fuel tank of the vehicle. Sales tax is charged on the product and “reefer” must be noted on the sales invoice.
- For fuel sold to an enrolled tribal member purchasing fuel in Indian country controlled by the member’s tribe, or an Indian tribe purchasing motor fuel or special fuel in Indian country controlled by the Indian tribe.
- For fuel taxes paid on all fuel sold to customers whose accounts are uncollectible and have been deducted as an expense on the Marketer's federal income tax return. A Marketer may claim a refund of a customer's delinquent taxes only once every three years and must furnish sufficient evidence and testimony to support any tax collection effort made by the Department. A Marketer must submit a separate claim form to support this bad debt loss.

- For fuel taxes paid on all fuel lost to fire, flood, tornado, windstorm or explosion in excess of 100 gallons. A Marketer must submit an Affidavit of Loss of Taxable Fuel to the Department of Revenue & Regulation within 10 days of the loss in order to collect any refund.
- For fuel taxes paid on all fuel lost to theft or leakage in excess of 500 gallons. A Marketer must submit an Affidavit of Loss of Taxable Fuel to the Department of Revenue & Regulation within 10 days of the loss in order to collect any refund.

To understand refund opportunities for their customers, marketers may want to review information for Refund Claimants.



Marketer Refund

Mail Refund Form To:	Remittance Center P.O. Box 5055 Sioux Falls, SD 57117-5055
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Claim Period From to Check here if this is an amended report

REFUNDABLE SALES Report in Whole **Gross** Gallons Only

1 Gallons of Motor Fuel and Special Fuel sold in bulk to a location on a licensed Indian school's premises. (The school must be licensed by the Department of Revenue to purchase fuel exempt from state taxation. List school names and license numbers below.)

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Gasoline	100% Ethyl Alcohol	AVGAS	Undyed Diesel Fuel	Jet Fuel	100% Methyl Alcohol	Undyed Biodiesel

a	School Name	Indian School License No.	a						
b	School Name	Indian School License No.	b						
c	School Name	Indian School License No.	c						
d	School Name	Indian School License No.	d						

2 Total gallons of motor fuel and special fuel sold in bulk to a location on a licensed Indian school's premises -- Add Lines 1a, 1b, 1c, and 1d

3 Total gallons lost in accordance with Section 137 -- Attach completed affidavit and required documents to support this claim

4 Total gallons sold to the U.S. Government -- Attach Uniform Schedule of Disbursements - Type 8

5 Total gallons of taxed undyed diesel fuel dispensed into separate reefer storage for refrigeration use only -- Complete Reefer Storage Diesel Worksheet on reverse

6 Total gallons of motor fuel or special fuel sold to an enrolled tribal member purchasing fuel in Indian country controlled by the member's tribe, or an Indian tribe purchasing motor fuel or special fuel in Indian country controlled by the Indian tribe -- Attach Tribal Sales Schedule

REFUND CALCULATION

7	Subtotal all gallons -- Add Lines 2, 3, 4, 5, and 6	7							
8	Tax rates	8	X \$0.22	X \$0.08	X \$0.06	X \$0.22	X \$0.04	X	X \$0.22
9	Total taxes eligible for refund -- Multiply Line 7 by Line 8	9	\$	\$	\$	\$	\$	\$	\$
10	Total Refund Claim Amount -- Add Columns A through G on Line 9	10	\$						

I declare and affirm under the penalty of perjury that this report has been examined by me, and to the best of my knowledge and belief is in all things true and correct.

Signature	Title	Date
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Reefer Storage Undyed Fuel Worksheet

On the worksheet below, list the gallons of reefer fuel sold for each date and indicate the amount of sales tax you reported and remitted on your previous sales tax return.

Your total gallons for sales tax remitted should equal the amount recored on Line 5 on the front of the refund form

Record your sales tax license number here:

1	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
2	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
3	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
4	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
5	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
6	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
7	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
8	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
9	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
10	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
11	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
12	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
13	Date (MM-YY):	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	Gallons Undyed Fuel:	<input type="text"/>	Sales Tax Remitted:	\$ <input type="text"/>
Total Gallons Undyed Fuel:								<input type="text"/>		

Marketer Refund Form Instructions

1. Report total gallons of motor fuel or special fuel sold in bulk to a location on a licensed Indian school's premises. The school must be licensed by the Department of Revenue & Regulation to purchase fuel exempt from state taxation. List school names and license numbers.
2. Total gallons of motor fuel or special fuel sold in bulk to a location on a licensed Indian school's premises – Add Lines 1a, 1b, 1c and 1d.
3. Report total gallons lost in accordance with SDCL 10-47B-137. The loss of motor fuel or special fuel by leakage or theft must exceed 500 gallons. The loss of motor fuel or special fuel by a natural disaster must exceed 100 gallons. An Affidavit of Loss of Taxable Fuel and required documents must be attached to support this claim.
4. Report total gallons sold to US Government – Attach Uniform Schedule of Disbursements Type 8.
5. Report total gallons of undyed special fuel dispensed into a separate reefer storage refrigeration use only – Complete Reefer Storage Diesel Worksheet on back of form.
6. Report total gallons of motor fuel or special fuel sold to an enrolled tribal member purchasing fuel in Indian country controlled by the member's tribe, or an Indian tribe purchasing motor fuel or special fuel in Indian country controlled by the Indian tribe – Attach Tribal Sales Schedule.
7. Subtotal all gallons – Add Lines 2, 3, 4, 5 and 6.
8. Tax rates.
9. Total taxes eligible for refund – Multiply Line 7 by Line 8.
10. Total Refund Claim amount – Add Columns A through G on Line 9.