



Dyed Diesel Fuel And IFTA Status Of Mobile Equipment

Information contained herein is of a general nature and should be used only as a reference. It is not a substitute for tax laws and regulations.

IFTA

The International Fuel Tax Agreement (IFTA) Articles of Agreement (Section II K.) define a **Qualified Motor Vehicle** as "a motor vehicle used, designed, or maintained for transportation of persons or property and:

1. Having two axles and a gross weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms; or
2. Having three or more axles regardless of weight; or
3. Is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross weight or registered gross vehicle weight. **Qualified Motor Vehicles** are to be registered as such for IFTA because they are used to transport property upon the highways of this State. In this instance, the property can be identified as cranes, drilling rigs, etc.

Dyed Diesel

The West Virginia Motor Fuels Excise Tax Act (WV Code Section §11-14C-36) prohibits the use of dyed diesel fuel in any vehicle that is used on a public highway in West Virginia. State law allows the use of dyed diesel fuel on the highway when that use is allowed under the Internal Revenue Code and Regulations. Dyed diesel fuel is only lawful on West Virginia highways when used in school buses, government vehicles, intercity or local passenger buses, or farm-use vehicles that are exempt from registration.

Mobile equipment such as cranes, drill rigs, farm equipment and wood-sawing equipment, etc. which are registered with the West Virginia Department of Motor Vehicles as mobile equipment (Class "M" license) cannot have dyed diesel fuel in the supply tank of the vehicle. The only way mobile equipment could transport dyed diesel fuel would be in a separate tank used strictly to operate the crane, drill rig, farm equipment, wood-saw, etc. off the highway.

West Virginia State Tax Department Inspectors may stop, inspect, and issue citations to operators of motor vehicles for violations of the dyed diesel code. Any vehicle that is inspected and contains visible presence of dye is subject to a penalty of ten (\$10.00) dollars per gallon of fuel capacity of the fuel tank(s) or one thousand (\$1,000.00) dollars, whichever is greater.

Any operator of a motor vehicle who refuses to allow the inspector to check the fuel supply tank of the motor vehicle is subject to a civil penalty of five thousand (\$5,000.00) dollars in addition to any other penalty imposed by the code.

Fuel taxes are ultimately used for highway construction and maintenance. Anyone who purchases or sells motor fuel upon which the tax has not been paid is cheating the State highway fund, costing the State jobs, roads, matching federal funds and placing each business competitor at an economic disadvantage. Anyone having information concerning dyed diesel fuel use on the highway or other motor fuel tax evasion, is encouraged to call from West Virginia, Ohio, Pennsylvania, Maryland, Virginia or Kentucky:

1-800-4FUELS-1 (1-800-438-3571)

If you have questions concerning West Virginia State taxes, please contact the:

West Virginia State Tax Department

Taxpayer Services Division

P.O. Box 3784

Charleston, WV 25337-3784

Telephone: (304) 558-3333

1-800-WVA-TAXS (1-800-982-8297) our toll free number

TDD Service for the hearing impaired: 1-800-2TAXTDD (1-800-282-9833)

To order forms or publications call: (304) 344-2068 or Toll free: 1-800-422-2075

To order by mail please use the above address.

Internet Address: <http://www.state.wv.us/taxdiv>