



## West Virginia Motor Fuel Excise Tax

The purpose of this publication is to provide general information regarding West Virginia Motor Fuel Excise Tax. This publication is meant to be a source of general information and not a substitute for tax laws or regulations.

Motor Fuel Excise Tax will be collected at the terminal rack or upon import into West Virginia (also referred to as "Rack Tax" or "Tax at the Rack").

The Motor Fuel Excise Tax is a flat rate of .2050 (which was the excise tax rate pursuant to Article 14C) and the variable rate is subject to change. The variable component is restricted to no more than 5% of the average wholesale price, which may never be less than \$2.34 per gallon. All current year rates, forms, and filing requirements can be found at: [www.wvtax.gov](http://www.wvtax.gov), **Motor Fuel Information and Forms**.

### Licensing /Bonding Procedures

**YOU CANNOT CONDUCT MOTOR FUEL BUSINESS IN WEST VIRGINIA (BUY, SELL OR TRANSPORT) UNLESS YOU HAVE SUBMITTED THE WEST VIRGINIA MOTOR FUEL EXCISE TAX LICENSE APPLICATION (WV/MFT-APP).**

You must apply for and receive a West Virginia Motor Fuel Excise Tax License prior to conducting any motor fuel business in the State. The penalty for operating without a license is \$5000 for the first violation and \$10,000 for subsequent violations.

\*\*Importers who purchase from a supplier/permissive supplier

\*\*\*Bond may be required in case of failure to comply

**Note: When allowed by Code, bonds will be combined.**

### Reporting Requirements

All types of licensees are required to remit monthly reports with payment on or before the last day of the calendar month for any preceding month with the exception of Alternative Fuel Bulk End User, Provider of Alternative Fuel and Retailer of Alternative Fuel must file annually.

Example of Exception: A distributor who purchases and delivers fuel within the State ONLY is not required to file a monthly report. (This means no imports and no exports.) However, special circumstances may require a distributor to file a monthly report, such as using propane in a taxable manner or a Producer/Manufacturer is not required to file a monthly return unless fuel activity takes place.

Special Circumstances Example: Propane is exempt from the flat rate, if propane is used in a highway vehicle, the gallons used would become taxable. These gallons should be reported on the distributor report and the flat rate remitted on those gallons used.

TYPE		BOND MINIMUM	BOND MAXIMUM
Supplier/Refiner		\$100,000	\$2 million
Permissive Supplier		\$100,000	\$2 million
Importer		\$100,000	\$2 million*
Importer	3 months tax liability	\$ 2,000	\$300,000**
Exporter	3 months tax liability	\$ 2,000	\$300,000
Terminal Operator		\$100,000	\$2 million
Blender	3 months tax liability	\$ 2,000	\$300,000
Motor Fuel Transporter	No Bond Required		
Distributor	3 month tax liability	\$ 2,000	\$300,000
Alternative Fuel Bulk End User	No Bond Required***		
Producer/Manufacturer	No Bond Required***		
Provider of Alternative Fuel	No Bond Required***		
Retailer of Alternative Fuel	No Bond Required***		

-\$5 million net worth-no bond required; \$2.5 million net worth-waives 1/2 of the required bond; \$1.25 million net worth-waives 1/4 of the required bond;

-Good filing record for 18 months-no bond required;

\*Importers who do not purchase from a supplier/permissive supplier

### Discount for the Distributor (Wholesaler/Jobber)

Available January 1, 2004, when remitting tax timely to your supplier, you will receive a:

#### Discount of 3/4 of 1%

Example: Tax due @ .2050	=	\$100,000.00
Tax due @ .0142	=	\$100,000.00
Total Tax Due	=	\$200,000.00
Less 3/4 of 1% (.0075)	=	\$ 1,500.00
Total Amount Due	=	\$198,500.00

### Exemptions

Refer to WV Code §11-14C

### Refunds

Governmental agencies were previously exempt from either the Excise Tax and/or the Consumers Sales or Use Tax rate. Now, these agencies must first pay the motor fuel tax and apply for a refund of the applicable tax rates for motor fuel used by the agency.

Off highway refunds – Refer to Motor Fuel Refund Instructions ([www.wvtax.gov](http://www.wvtax.gov))

Taxpayer Service Representatives are available between 8:00 a.m. and 5:00 p.m. on business days:

**1-800-WVA-TAXS (1-800-982-8297)**

Internet: [www.wvtax.gov](http://www.wvtax.gov)