

**TITLE 3: TAXATION**  
**CHAPTER 16: MOTOR VEHICLE FUEL TAXES**  
**PART 300: ALTERNATIVE FUELS - EXCLUSIONS, EXEMPTIONS AND DEDUCTIONS**

**3.16.300.1 ISSUING AGENCY:** Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630  
[6/15/96; 3.16.300.1 NMAC - Rn, 3 NMAC 20.100.1, 6/14/01]

**3.16.300.2 SCOPE:** This part applies to all fuel distributors and permit or license holders.  
[6/15/96; 3.16.300.2 NMAC - Rn, 3 NMAC 20.100.2, 6/14/01]

**3.16.300.3 STATUTORY AUTHORITY:** Section 9-11-6.2 NMSA 1978.  
[6/15/96; 3.16.300.3 NMAC - Rn, 3 NMAC 20.100.3, 6/14/01]

**3.16.300.4 DURATION:** Permanent.  
[6/15/96; 3.16.300.4 NMAC - Rn, 3 NMAC 20.100.4, 6/14/01]

**3.16.300.5 EFFECTIVE DATE:** 6/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.  
[6/15/96; 3.16.300.5 NMAC - Rn, 3 NMAC 20.100.5 & A, 6/14/01]

**3.16.300.6 OBJECTIVE:** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Alternative Fuel Tax Act.  
[6/15/96; 3.16.300.6 NMAC - Rn, 3 NMAC 20.100.6, 6/14/01]

**3.16.300.7 DEFINITIONS:** [Reserved.]  
[6/15/96; 3.16.300.7 NMAC - Rn, 3 NMAC 20.100.7, 6/14/01]

**3.16.300.8 NON-HIGHWAY USE OF ALTERNATIVE FUEL - TAXABILITY:**  
A. Receipts from the sale of alternative fuel for non-highway use is subject to gross receipts tax, and not the alternative fuel excise tax.  
B. Alternative fuel is sold for non-highway use when it is delivered for use in stationary equipment or for residential or commercial heating or cooling purposes.  
C. Any alternative fuel distributor delivering alternative fuel for non-highway use must provide the purchaser with either a separate invoice for each such delivery or an invoice that separately states the amount and type of each delivery.  
D. Section 3.16.300.8 NMAC is applicable to sales of alternative fuel on or after January 1, 1996.  
[6/15/96; 3.16.300.8 NMAC - Rn, 3 NMAC 20.100.8 & A, 6/14/01]

**3.16.300.9 RECORDS REQUIRED TO PROVE SALE TO UNITED STATES, NEW MEXICO OR INDIAN ENTITY:**  
A. Proof of sale to the United States, the state of New Mexico, an Indian nation, tribe or pueblo or any agency or instrumentality thereof shall be furnished to the department on request by means of the following:  
(1) documentation showing that the purchaser was the United States, the state of New Mexico, an Indian nation, tribe or pueblo or any agency or instrumentality thereof;  
(2) a purchase order issued by the United States, the state of New Mexico, an Indian nation, tribe, or pueblo or any agency or instrumentality thereof; or  
(3) an invoice showing that the alternative fuel was charged to the United States, the state of New Mexico, an Indian nation, tribe or pueblo or any agency or instrumentality thereof.  
B. Copies of all documents supporting deductible or exempt sales must be retained for at least three years from the end of the calendar year in which the special fuel or alternative fuel was sold.  
C. Section 3.16.300.9 NMAC is applicable to all sales of special fuel on or after January 1, 1993 and all sales of alternative fuel on or after January 1, 1996.  
[6/15/96; 3.16.300.9 NMAC - Rn, 3 NMAC 20.100.9 & A, 6/14/01]

**3.16.300.10 RECORDS REQUIRED TO PROVE COMPLIANCE - ALTERNATIVE FUEL:** Distributors shall indicate the alternative fuel user's permit number on all documents used to support deduction of alternative fuel distributed to persons holding a valid permit under Section 7-16B-7 NMSA 1978.  
[6/15/96; 3.16.300.10 NMAC - Rn, 3 NMAC 20.100.10 & A, 6/14/01]

**HISTORY OF 3.16.300 NMAC:**

Pre-NMAC History: [RESERVED]

History of Repealed Material: [RESERVED]

**NMAC History:**

3 NMAC 20.100, Special and Alternative Fuels Tax - Alternative Fuels - Exclusions, Exemptions and Deductions, filed 6/3/96.

3.16.200 NMAC, Alternative Fuels - Exclusions, Exemptions and Deductions, filed 6/1/01.