

State of New Mexico - Taxation and Revenue Department
BIODIESEL BLENDING FACILITY TAX CREDIT CLAIM FORM

To apply approved biodiesel blending facility tax credit to gross receipts or compensating tax due, submit Form RPD-41321, *Biodiesel Blending Facility Tax Credit Claim Form*, with the TRD-41413, *Gross Receipts Tax Return* or TRD-41412, *Compensating Tax Return* and *Schedule CR* for the report period to which you wish to apply the credit. Unused biodiesel blending facility tax credit may be carried forward for four years from the date of the certificate of eligibility. See "Recapture May be Required" in the instructions if the facility does not complete at least 180 days of availability of the facility within the first 365 days after the issuance of the certificate of eligibility from the Energy, Minerals Natural Resources Department (EMNRD). For assistance claiming this credit call (505) 827-0792 or send an email to BusinessCredit.Mgr@state.nm.us.

Name of business	New Mexico Business Tax Identification Number (NMBTIN)
Enter the report period as shown on the attached return _____ through _____ MM/DD/YYYY MM/DD/YYYY	Name and phone number of contact person

Instructions for worksheet to compute the total unused credit available

- (a) Credit number.** Enter the credit number for each biodiesel blending facility tax credit approved by TRD. If additional space is needed, attach a schedule on a separate page in the same format. Do not enter a credit if the date of the certificate of eligibility from EMNRD is more than four years older than the date of this request or if the credit was not approved by TRD. Unused biodiesel blending facility tax credits may only be carried forward for four years following the date of the certificate of eligibility received from EMNRD.
- (b) Amount of credit approved.** For each tax credit listed in column (a), enter the amount of credit approved.
- (c) Total credit applied to previous reports.** For each credit amount listed in column (b), enter the total amount of credit previously applied to gross receipts or compensating tax liabilities.
- (d) Unused credit available for carry forward.** Subtract column (c) from column (b).

Line instructions

- Line 1. Total credit available.** Enter the sum of all amounts in column (d) on line 1. If supplemental pages are attached, enter the sum of all amounts in column (d) from all pages.
- Line 2. Unused credit applied.** Enter the portion of unused credit available for carryforward to be applied against the attached tax return. **NOTE:** Apply older credits first.

Worksheet to compute the total unused credit available

(a) Credit number	(b) Amount of credit approved	(c) Total credit applied to previous reports	(d) Unused credit available for carryforward [(b) - (c)]

Line 1. TOTAL credit available. Enter the sum of column (d). If supplemental pages are attached, enter the sum of column (d) from all pages.

Line 2. Unused credit applied. Enter the portion of total credit available to be applied to the attached New Mexico tax return. Do not enter more than the amount of gross receipts or compensating tax due on the return.

1.	
2.	

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INSTRUCTIONS

ABOUT THIS CREDIT: A rack operator as defined in the Special Fuels Supplier Tax Act (see *Important Definitions* below) who installs biodiesel blending equipment owned by the rack operator for the purpose of establishing or expanding a facility to produce blended biodiesel fuel is eligible to claim a credit against gross receipts tax or compensating tax. The rack operator must be registered with New Mexico Taxation and Revenue Department (TRD) and filing Form RPD-41307, *Rack Operator Report*. The rack operator must obtain a dated certificate of eligibility from Energy, Minerals and Natural Resources Department (EMNRD) to apply for this credit. The credit is equal to 30% of the purchase cost of the equipment plus 30% of the cost of installing that equipment. The credit cannot exceed \$50,000 with respect to equipment installed at any one facility. The credit may only be applied against the taxpayer's gross receipts tax liability or compensating tax liability. If the credit exceeds the taxpayer's gross receipts and compensating tax liability in the reporting period for which it is granted, the credit may be carried forward for four years from the date of the certificate of eligibility.

To qualify for the credit, a taxpayer must first apply to EMNRD who shall determine if the equipment for which the tax credit will be claimed meets the requirements and if purchase and installation costs reported by the taxpayer are legitimate. If approved, EMNRD will issue a dated certificate of eligibility containing an estimate of the amount of the biodiesel blending facility tax credit for which the taxpayer is eligible.

Upon receipt of the certificate of eligibility, the taxpayer submits a completed Form RPD-41339, *Biodiesel Blending Facility Tax Approval Request Form*, and the certificate of eligibility received from EMNRD to TRD. After TRD approves the credit, the taxpayer may begin to claim the credit. TRD may not approve biodiesel blending facility tax credits if the total cumulative amount of claims for the credit for all taxpayers for the calendar year exceeds \$1,000,000. Requests for credit approval that exceed the maximum allowed in a calendar year may be considered for approval in the next calendar year.

RECAPTURE MAY BE REQUIRED: If a rack operator who has claimed biodiesel blending facility tax credit against gross receipts tax or compensating tax due ceases biodiesel blending without completing at least 180 days of availability of the facility within the first 365 days after the issuance of a certificate of eligibility from EMNRD, the taxpayer must notify TRD that they are no longer eligible for the approved credit and that the liabilities for the reports to which the credit had been applied are now due. TRD will extinguish any amount of the approved credit not applied against the taxpayer's gross receipts tax or compensating tax liability and assess the taxpayer for the tax owed. The taxpayer must pay the assessment within 425 days of the date of issuance of the certificate of eligibility. The taxpayer may still qualify for subsequent biodiesel blending facility tax credits.

IMPORTANT DEFINITIONS

"Rack operator" means the operator of a refinery in this state, any person who blends special fuel in this state, or the owner of special fuel stored at a pipeline terminal in this state.

"Biodiesel" means renewable, biodegradable, monoalkyl ester combustible liquid fuel that is derived from agricultural plant oils or animal fats and that meets American society for testing and materials D 6751 standard specification for biodiesel B100 blend stock for distillate fuels.

"Biodiesel blending equipment" means equipment necessary for the process of blending biodiesel with diesel fuel to produce blended biodiesel fuel.

"Blended biodiesel fuel" means a diesel fuel that contains at least 2% biodiesel.

"Diesel fuel" means any diesel-engine fuel used for the generation of power to propel a motor vehicle.

HOW TO APPLY FOR THIS CREDIT: Once you have been issued a dated certificate of eligibility containing an estimate of the amount of the biodiesel blending facility tax credit for which the taxpayer is eligible from EMNRD, and have received from TRD Form RPD-41339, *Biodiesel Blending Facility Tax Credit Approval Request Form*, approving the biodiesel blending facility tax credit, you may apply the credit to gross receipts and compensating tax due. Use Form RPD-41321, *Biodiesel Blending Facility Tax Credit Claim Form*. Complete the name and address block of the eligible rack operator. Complete the worksheet to compute the total unused credit available (see instructions). Submit this completed Form RPD-41321 along with your tax return you are claiming the credit on and the tax returns *Schedule CR* for the report period to which you wish to apply the credit. Unused biodiesel blending facility tax credit may be carried forward for four years from the date of the certificate of eligibility issued by EMNRD.

You may claim this credit when electronically filing your gross receipts or compensating tax return on Taxpayer Access Point (TAP). Go to <https://tap.state.nm.us> and log into your TAP account. Follow the prompts to add the *Schedule CR* and required attachments to the tax return. To claim this credit by mail, attach this form to the tax return to which you wish to apply the credit and mail to the address on the tax return. For assistance claiming this credit call (505) 827-0792 or send an email to BusinessCredit.Mgr@state.nm.us.