

STATE OF HAWAII—DEPARTMENT OF TAXATION
INSTRUCTIONS FOR FORM M-20A
MONTHLY RETURN OF LIQUID FUEL TAX (STATE AND COUNTY)
AND ENVIRONMENTAL RESPONSE TAX

General Instructions

Form M-20A is used to report and pay fuel taxes monthly. There is no annual fuel tax return to be filed.

Hawaii's fuel tax is a tax on distributors for each gallon of liquid fuel refined, manufactured, produced, or compounded by the distributor and sold or used by the distributor in the State. The tax is also imposed on liquid fuel imported by the distributor or acquired by the distributor from persons who are not licensed distributors which is sold or used by the distributor in the State. The environmental response tax is also a part of Hawaii's fuel tax law.

The fuel tax is comprised of three parts, a State component, a county component, and the environmental response tax. The amount of the *State component* is set by legislation. The *county component* varies by county and is set by county ordinance. The *environmental response tax* is 5 cents per barrel (42 U. S. gallons) of petroleum product sold by a distributor to any retail dealer or end user (other than a refiner) of the petroleum product.

Definition of Certain Terms Used in Chapters 243 and 248, HRS

"Alternative fuel" means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; biodiesel; mixtures containing 20 percent or more by volume of biodiesel with diesel or other fuels; fuels (other than alcohol) derived from biological materials; and any other fuel that is substantially not a petroleum product and that the governor determines would yield a substantial energy security benefits or substantial environmental benefits.

"Distributor" means: (1) Every person who refines, manufactures, produces, or compounds liquid fuel in the State and sells or uses the same therein; (2) Every person who imports or causes to be imported into the State any liquid fuel and sells it therein, whether in the original packages or containers in which it is imported or otherwise than in such original packages or containers, or who imports any such fuel for the person's own use in the State; (3) Every person who acquires liquid fuel from a person not a licensed distributor and sells or uses it, whether in the original package or container in which it was imported (if imported) or otherwise than in such original package or container; and (4) Every person who acquires liquid fuel from a licensed distributor as a wholesaler thereof and sells or uses it.

"Power-generating facility" means any electricity-generating facility that requires a permit issued under the Federal Clean Air Act (42 U.S.C. 7401-7671q), the Hawaii air pollution control law (chapter 342B, HRS), or both.

"Small Boats" means all vessels and other water craft except those operated in overseas transportation beyond the State, and ocean-going tugs and dredges.

Who Must File

Every distributor as defined above must file Form M-20A.

When to File

Form M-20A must be filed on or before the last day of each month, showing the fuel sold or used during the preceding calendar month. If the due date falls on a Saturday, Sunday, or legal holiday, file by the next regular workday.

The official U.S. Post Office cancellation mark will be considered primary evidence of the date of filing of tax documents and payments. Hawaii has adopted the Internal Revenue Code provision to allow documents and payments delivered by a designated private delivery service to qualify for the "timely mailing treated as timely filing/paying rule." The Department of Taxation will conform to the Internal Revenue Service listing of designated private delivery services and type of delivery services qualifying for the "timely mailing treated as timely filing/paying rule." Timely filing of mail which does not bear a U.S. Post Office cancellation mark will be determined by reference to other competent evidence.

Where to File

File Form M-20A with:

Hawaii Department of Taxation
P.O. Box 259
Honolulu, Hawaii 96809-0259
808-587-4242
Toll-Free: 1-800-222-3229

Penalty and Interest

Late Filing of Return – The penalty for failure to file a return on time is assessed on the tax due at a rate of 5% per month, or part of a month, up to a maximum of 25%.

Failure to Pay Tax After Filing Timely Return – The penalty for failure to pay the tax after filing a timely return is 20% of the tax unpaid within 60 days of the prescribed due date. The 60-day period is calculated beginning with the prescribed due date even if the prescribed due date falls on a Saturday, Sunday, or legal holiday.

Interest – Interest at the rate of 2/3 of 1% per month or part of a month shall be assessed on unpaid taxes and penalties beginning with the first calendar day after the date prescribed for payment, whether or not that first calendar day falls on a Saturday, Sunday, or legal holiday.

Signature

The return must be signed and dated by a person who is authorized to sign Form M-20A.

Specific Instructions

Part I — Computation of Fuel and Environmental Response Tax

Complete Part I to compute the amount of fuel and environmental response tax due with the return. In completing Part I, enter the number of taxable gallons.

Line 24 — Specify the type of alternative fuel sold in gallons. If you sold more than one type of alternative fuel, attach a separate schedule showing the number of gallons sold, tax rate, and taxes due. Include the total number of gallons sold on line 41 and the total taxes on line 42.

Line 25 — For other alternative fuels, the state tax rate shall be based on the energy content of the fuels as compared to diesel fuel, using a lower heating value of one hundred thirty thousand British thermal units per gallon as a standard for diesel, so that the tax rate, on an energy content basis, is equal to one-quarter the rate for diesel fuel. The county tax rate may be proportional to the energy contents of the fuels, as determined by their lower heating values, times one-half.

Line 32 — Report naphtha sold for use in a power-generating facility. See definition of power-generating facility on this page.

Line 33 — The 1 cent tax for naphtha shall be effective retroactively and apply to any imposition of the fuel tax on naphtha sold for use in a power-generating facility.

Lines 35 and 38 — Report liquid fuel sold or used in small boats. See definition of small boats on this page. Liquid fuel sold or used in vessels and other water craft operated in overseas transportation beyond the State and ocean-going tugs and dredges should **not** be reported on lines 35 and 38.

Part II — Summary of Gallons Taxable in the County of Maui

Complete Part II to report the taxable number of gallons sold or used for the islands of Maui, Lanai, and Molokai.

Part III — Exempt Sales

Complete Part III to report the exempt number of gallons sold or used, including (1) Fuel exported or sold to the federal government for official government use, (2) Imports in interstate or foreign commerce as long as the fuel is beyond the taxing power of the State (e.g. in the foreign trade zone or sales of bonded aviation fuel to air carriers coming from or going to foreign ports), (3) Sales to another licensed distributor, (4) Fuel sold for use in and actually delivered to, or sold in, the county of Kalawao, and (5) Liquid fuel sold to an intra-county ferry operating solely within the County of Maui (applies to taxable years beginning after December 31, 2007).

Part IV — Summary of Sales

Complete Part IV to report total sales, exempt sales, and the deduction for retail sales from Form M-2, Certificate of Retail Sales of Liquid Fuel. The taxable sales reported in Part IV should be the same amount entered on the appropriate lines in Part I.