



State of New Mexico - Taxation and Revenue Department  
**BLENDED BIODIESEL FUEL TAX CREDIT CLAIM FORM**  
**INSTRUCTIONS**

**ABOUT THIS CREDIT:** Beginning January 1, 2007, but not after December 31, 2012, a taxpayer who is required to pay the special fuel excise tax and who files a New Mexico personal or corporate income tax return may claim a credit against the income tax due on the return for each gallon of blended biodiesel fuel on which that person paid the special fuel excise tax in the taxable year, or would have paid the special fuel excise tax in the tax year but for certain deductions allowed for special fuel sold (see below) or the treaty exemption for North Atlantic Treaty Organization use.

Certain deductions allowed from special fuels excise tax include special fuel:

- sold to the United States or any agency or instrumentality thereof for its exclusive use;
- sold to the state of New Mexico or any political subdivision, agency or instrumentality thereof for its exclusive use;
- sold to an Indian nation, tribe or pueblo or any agency or instrumentality thereof for its exclusive use;
- dyed in accordance with federal regulations; and
- sold for the generation of power to propel a school bus.

The income tax credit amount is as follows:

If the special fuel excise tax is paid or would have been paid during the period:	The credit is the following rate per gallon:
from January 1, 2007 until December 31, 2010	\$0.03
from January 1, 2011 until December 31, 2011	\$0.02
from January 1, 2012 until December 31, 2012	\$0.01

The blended biodiesel tax credit may not be claimed for blended biodiesel fuel on which a credit or refund has been claimed because the fuel was destroyed by fire, accident or acts of God before retail sale. The credit may not be claimed with respect to the same blended biodiesel fuel for which a credit has been claimed pursuant to the Income Tax Act or the Corporate Income and Franchise Tax Act.

A taxpayer who otherwise qualified for and claims a credit for blended biodiesel fuel on which special fuel excise tax has been paid by a partnership or other business association of which the taxpayer is a member may claim a credit only in proportion to the taxpayer's interest in the partnership or business association. The total credit claimed in the aggregate by all members of the partnership or business association shall not exceed the amount of credit allowed. When the credit is split between spouses, partners or other business associates, each claimant must submit the claimant's income tax return with Form RPD-41340, *Blended Biodiesel Fuel Tax Credit Claim Form*, for the portion of the credit claimed.

A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the credit that would have been allowed on a joint return.

**IMPORTANT DEFINITIONS**

**"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.

**"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**

Use Form RPD-41322, *Blended Biodiesel Fuel Tax Credit Application*, for reporting qualifying biodiesel fuel receipts to establish eligibility for the credit. You may establish eligibility for a portion of, or all of, a calendar year, but all approved credit from qualifying blended biodiesel fuel must be claimed on the income tax return for the tax period in which the special fuels excise tax was due. The credit may only be applied against the corporate or personal income tax liability of the person who paid the special fuel excise tax on the blended biodiesel fuel or who would have paid the special fuel excise tax but for the deductions allowed according to Subsections B through F of Section 7-16A-10 NMSA 1978, (See above) or the treaty exemption for North Atlantic Treaty Organization use. If the credit exceeds the person's income tax liability for the taxable year in which the credit is granted, the credit may be carried forward for five years. Attach a detailed schedule of the qualified gallons sold or deducted.

Once approved use Form RPD-41340, *Blended Biodiesel Fuel Tax Credit Claim Form*, to claim the credit against personal or corporate income tax liabilities. Attach the claim form to your income tax return.