
An Introduction to Highway Use Tax

Introduction

The highway use tax is a tax on motor carriers who operate certain motor vehicles on New York State public highways.

A *motor vehicle* includes any:

- truck, tractor, or other self-propelled device, and any trailer, semi-trailer, or dolly, or other device that is drawn having a **gross weight**, alone or in combination with another motor vehicle, trailer, semi-trailer, dolly, or other device of more than 18,000 pounds,
- truck having an **unloaded weight** of more than 8,000 pounds, and
- tractor having an **unloaded weight** of more than 4,000 pounds.

Gross weight means:

- the unloaded weight of the truck, tractor, or other self-propelled vehicle; plus
- the unloaded weight of the heaviest trailer, semitrailer, dolly, or other device to be drawn by that motor vehicle; plus
- the maximum load to be carried or drawn by the motor vehicle.

Gross weight excludes the weight of the driver and a helper. For a tow truck, it excludes the weight of any vehicle that is being towed partly or wholly upon the towed vehicle's own wheels. Gross weight of a flatbed tow truck must include the weight of the heaviest vehicle being transported on the bed of the truck.

Unloaded weight means the actual weight of the motor vehicle, including:

- all equipment necessary for its performance as a vehicle,
- all equipment necessary for its safety,
- all equipment permanently attached to the vehicle,
- all equipment used exclusively for the protection of its load,
- all equipment used exclusively for loading or unloading the vehicle, and
- the weight of full fuel tank(s) used to propel the vehicle.

The weight of the driver and a helper is not included.

Certain motor vehicles are excluded for purposes of highway use tax. For more information, see Tax Bulletin [Excluded and Exempt Vehicles – Highway Use Tax \(TB-HU-245\)](#).

How to determine highway use tax

The tax is based on mileage traveled on New York State public highways (excluding toll-paid portions of the New York State Thruway) and is computed at a rate determined by the weight of the motor vehicle and the method that you choose to report the tax.

When completing your first return for the calendar year, you must choose one of these methods to determine your tax:

- the gross weight method, or
- the unloaded weight method.

You should base your method on your particular operations. One method may be more economical or convenient for you. For more information, see Tax Bulletin [How to Determine Your Highway Use Tax \(TB-HU-360\)](#).

Certificate of registration and decals

Before operating a motor vehicle on the public highways of New York State, you must obtain a certificate of registration for each motor vehicle subject to the highway use tax.

There are three ways to obtain a certificate of registration:

- Apply online: Use the One Stop Credentialing and Registration ([OSCAR](#)).
- Complete and mail a paper form: File [Form TMT-1, Application for Highway Use Tax \(HUT\) and Automotive Fuel Carrier \(AFC\) Certificates of Registration \(C of R\) and Decals](#).
- Use a permit service company approved by the Tax Department.

For more information, see Tax Bulletin [Certificate of Registration \(TB-HU-115\)](#).

Also, you must affix a decal to each motor vehicle that is required to have a certificate of registration. For more information, see Tax Bulletin [Decals – Highway Use Tax \(TB-HU-160\)](#).

If your vehicles only make limited trips in New York State, instead of registering, obtaining a decal, and filing highway use tax returns, you can get a **trip certificate of registration** for a \$25 fee from:

- One Stop Credentialing and Registration ([OSCAR](#)) - New York State provides a single point of contact to apply for various operating credentials over the Internet; or
- A Permit Service Company approved by the Tax Department. There is also a service fee when getting a HUT certificate of registration from a Permit Service Company. For a list of approved permit service companies, call the [Miscellaneous Business Tax Information Center](#).

You may not use more than ten trip certificates per year. A trip certificate is not available for any vehicles transporting automotive fuel. For more information, see Tax Bulletin [Certificate of Registration – Trip Certificate \(TB-HU-116\)](#).

Excluded and exempt vehicles

Not all motor vehicles using New York State highways are required to pay highway use tax.

Excluded vehicles: Buses, highway construction and maintenance vehicles, and other vehicles are **excluded** from highway use tax.

Exempt vehicles: Emergency, farm, recreational, and other vehicles are **exempt**.

For more information, see Tax Bulletin [Excluded and Exempt Vehicles – Highway Use Tax \(TB-HU-245\)](#).

Filing requirements

If you are subject to the highway use tax and have been issued a certificate of registration, you must file a highway use tax return.

There are two ways to file:

Web File: You may Web File your highway use tax return by creating an [Online Services](#) account, if you do not already have one. After you create your account, log in and select [Highway Use Tax Web File](#). Benefits include:

- automatic calculation of amounts due,
- direct payment from your bank account, and
- instant confirmation.

View a [demo](#) to see how easy it is.

File by mail: You may file a paper tax return using [Form MT-903](#), *Highway Use Tax Return*.

For more information, see Tax Bulletin [Filing Requirements for Highway Use Tax \(TB-HU-260\)](#).

Recordkeeping requirements

Every motor carrier subject to the highway use tax must keep daily records of the miles traveled in New York by each vehicle that has been issued a certificate of registration to operate in New York State.

For more information, see Tax Bulletin [Recordkeeping Requirements – Highway Use Tax \(TB-HU-765\)](#).

Special requirements for automotive fuel carriers (AFC)

An AFC certificate of registration is required for any truck, trailer, semitrailer, or other attached device transporting automotive fuel and having a gross weight in excess of 18,000 pounds. If a tractor transporting automotive fuel trailers has been issued a highway use tax certificate of registration, that tractor does not need a separate AFC certificate of registration.

When the unloaded weight method is used, any truck with an unloaded weight of more than 8,000 pounds must have an AFC certificate of registration.

Carriers must have an AFC decal for each truck, trailer, semitrailer, or other attached vehicle that transports automotive fuel on New York State public highways.

The AFC certificate of registration and decal fee is \$1.50 per vehicle. The fee includes both a C of R and an AFC decal.

For more information, see Tax Bulletins:

- [How to Determine Your Highway Use Tax \(TB-HU-360\)](#); and
- [Certificate of Registration \(TB-HU-115\)](#).

Penalties

As a carrier operating certain motor vehicles on the New York State public highways, you are subject to the New York State Highway Use Tax Law.

If you do not comply with the Highway Use Tax Law, you may be subject to civil or criminal penalties.

For more information, see Tax Bulletin [Summary of Enforcement Provisions – Highway Use Tax \(TB-HU-835\)](#).

Note: A Tax Bulletin is an informational document designed to provide general guidance in simplified language on a topic of interest to taxpayers. It is accurate as of the date issued. However, taxpayers should be aware that subsequent changes in the Tax Law or its interpretation may affect the accuracy of a Tax Bulletin. The information provided in this document does not cover every situation and is not intended to replace the law or change its meaning.

References and other useful information

Tax Law: Sections 501(2), 502, 503, 504(4), 505, 506, 507, and 512

Memorandum:

[TSB-M-16\(2\)M](#), *Highway Use Tax Certificate of Registration and Decal Fees Reduced*

Bulletins:

[Certificate of Registration \(TB-HU-115\)](#)
[Certificate of Registration – Trip Certificate \(TB-HU-116\)](#)
[Decals – Highway Use Tax \(TB-HU-160\)](#)
[Excluded and Exempt Vehicles – Highway Use Tax \(TB-HU-245\)](#)
[Filing Requirements for Highway Use Tax \(TB-HU-260\)](#)
[How to Determine Your Highway Use Tax \(TB-HU-360\)](#)
[Recordkeeping Requirements – Highway Use Tax \(TB-HU-765\)](#)
[Summary of Enforcement Provisions – Highway Use Tax \(TB-HU-835\)](#)