



## States' Biofuels Statutes

### STATE OF ARKANSAS

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

*Current through the 2013 Legislative Session of the Arkansas General Assembly.*

#### **§ 26-56-224. Fuel used for off-road purposes--Imposition of tax on dyed distillate special fuel**

(a) All distillate special fuel sold, used, or utilized in this state for off-road purposes, and not for the purpose of fueling motor vehicles, shall be dyed by the person or entity authorized to dye such fuels in accordance and in conformance with Pub. L. No. 103-66 and the Internal Revenue Service Regulation made and promulgated pursuant to Pub. L. No. 103-66 which were in effect on April 6, 1995.

(b)(1) There is levied an excise tax at the rate of six cents (6¢) per gallon on all dyed distillate special fuel sold, used, or utilized in this state.

(2)(A) If the dyed distillate special fuel contains biodiesel fuel, the excise tax in this subsection is levied only on the portion of the fuel that is not biodiesel fuel.

(B) As used in this subdivision (b)(2), "biodiesel fuel" means a diesel fuel substitute produced from nonpetroleum renewable resources.

(c) The excise tax levied in subsection (b) of this section shall be deposited as follows:

(1) Seventy-six and six-tenths percent (76.6%) shall be deposited as general revenues;

(2) Eight and five-tenths percent (8.5%) shall be deposited into the Property Tax Relief Trust Fund;  
and

(3) Fourteen and nine-tenths percent (14.9%) shall be deposited into the Educational Adequacy Fund.

(d)(1) The excise taxes levied by subsection (b) of this section shall be collected and remitted by suppliers of dyed distillate special fuel that are required to be licensed pursuant to § 26-56-204.

(2) The excise tax levied by subsection (b) of this section shall be paid by any person that uses dyed distillate special fuel on which the excise tax levied by subsection (b) of this section has not been paid.

(e) The excise taxes levied by subsection (b) of this section shall not apply to dyed distillate special fuel sold for consumption by:

(1) Vessels, barges, and other commercial watercraft;

(2) Railroads;

(3) Municipal buses as described in § 26-52-417; or

(4) To fuel sold to the United States Government.

(f) The excise taxes levied by subsection (b) of this section shall be reported and paid on or before the twentieth day of each month by electronic funds transfer as authorized pursuant to § 26-19-101 et seq. on forms to be prescribed by the Director of the Department of Finance and Administration.

(g) All distillate special fuel that has not been dyed in accordance with subsection (a) of this section and that is sold, used, or utilized in this state for any purpose or purposes shall be taxable at the total per-gallon tax rates as set out in this chapter.

(h) Off-road consumers purchasing dyed distillate special fuel shall not be required to obtain the annual off-road consumer permits required by § 26-56-204(a), and bulk sales of such dyed distillate special fuel may be made to such off-road consumers notwithstanding the provisions of § 26-56-218.

### **Credits**

Acts of 1995, Act 954, § 1, eff. April 6, 1995; Acts of 2007, Act 87, § 2, eff. July 1, 2007.