

Instructions for Form 928, Taxable Fuel Bond

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

Use this form to post bond required under section 4101, *Registration and bond*.

Who Must File

This form must be completed by any person required by the Internal Revenue Service to post bond as a condition of registration, or to retain its existing registration, on Form 637, *Application for Registration, (For Certain Excise Tax Activities)*, for purposes of the excise tax imposed on gasoline, diesel fuel or kerosene.

Where To File

File Form 928 in duplicate with the IRS employee who required the posting of the bond.

Qualifying Sureties

The surety on the bond must be listed in the Department of the Treasury Circular 570 as an acceptable surety or reinsurer on Federal bonds.

Amount of Bond

Taxable Fuel — Generally, the amount of bond must be in an amount that the Internal Revenue Service determines will ensure timely collection of the taxes imposed by sections 4041(a)(1) and 4081, taking into account the applicant's or existing registrant's financial capabilities, tax history, and expected liability under sections 4041(a)(1) and 4081. The Internal Revenue Service may increase or decrease the amount of the required bond to take into account changes in the applicant's or existing registrant's financial capabilities, tax history, and expected liability under sections 4041(a)(1) and 4081. However, in no case may the amount of the bond be greater than the amount that the Internal Revenue Service determines is equal to —

- (a) The applicant's or existing registrant's expected tax liability under sections 4041(a)(1) and 4081 for a representative 6-month period (as determined by the Internal Revenue Service); and
- (b) In the case of a terminal operator, the expected tax liability of persons other than the terminal operator under section 4081 with respect to taxable fuel removed at the racks of its terminals (determined as if all removals of taxable fuel were taxable) during a representative 1-month period (as determined by the Internal Revenue Service).

Who May Sign as Principal

The bond must be signed by:

- The individual, if the applicant or existing registrant, is an individual,
- The president, vice president, or another principal officer, if the applicant or existing registrant, is a corporation,
- A responsible and authorized current member or officer having knowledge of the organization's affairs, if the applicant or existing registrant, is a partnership or other unincorporated organization, or
- The fiduciary, if the applicant or existing registrant, is a trust or estate.

Period of Bond

The liability stated on the bond is a continuing one. It is not made for any fixed period of time. If the quarterly liability for excise tax that would be imposed on gasoline, diesel fuel or kerosene is increased or decreased, contact the Internal Revenue Service immediately after the quarter to see if a strengthening or superseding bond is necessary. The bond may also have to be changed if there is a substantial change in ownership or management of the business.

Strengthening or Superseding Bond

The Internal Revenue Service may require a strengthening or superseding bond if:

- It is necessary to ensure collection of the taxes imposed under sections 4041(a)(1) and 4081, or
- The volume of fuel removed or sold in any month is greater than the volume on which the existing bond is based.

A "strengthening bond" is an additional bond you give to increase the amount of your existing bond. A "superseding bond" is a new bond that takes the place of an existing bond. If you do not submit a strengthening or superseding bond when required, your registration may be suspended or revoked.

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

- Recordkeeping** 1 hr., 55 min.
- Learning about the law or the form** 18 min.
- Preparing, copying, assembling, and sending the form to the IRS** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to both the Internal Revenue Service, Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the Office of Management and Budget, Paperwork Reduction Project (1545-0725), Washington, DC 20503. DO NOT file this form with either of these offices. See Where To File.