

- 53.171 Claims for credit or refund of overpayments of manufacturers taxes.
- 53.172 Credit or refund of manufacturers tax under chapter 32.
- 53.173 Price readjustments causing overpayments of manufacturers tax.
- 53.174 Determination of price readjustments.
- 53.175 Readjustment for local advertising charges.
- 53.176 Supporting evidence required in case of price readjustments.
- 53.177 Certain exportations, uses, sales, or resales causing overpayments of tax.
- 53.178 Exportations, uses, sales, and resales included.
- 53.179 Supporting evidence required in case of manufacturers tax involving exportations, uses, sales, or resales.
- 53.180 Tax-paid articles used for further manufacture and causing overpayments of tax.
- 53.181 Further manufacture included.
- 53.182 Supporting evidence required in case of tax-paid articles used for further manufacture.
- 53.183 Return of installment accounts causing overpayments of tax.
- 53.184 Refund to exporter or shipper.
- 53.185 Credit on returns.
- 53.186 Accounting procedures for like articles.
- 53.187 OMB control numbers.

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Subpart A—Introduction

§ 53.1 Introduction.

The regulations in this part (part 53, subchapter C, chapter I, title 27, Code of Federal Regulations) are designated “Manufacturers Excise Taxes—Firearms and Ammunition.” The regulations relate to the tax on the sale of firearms and ammunition imposed by section 4181 of the Internal Revenue Code of 1986, and to certain related administrative provisions of chapter 32, subchapter F, of the Code. Chapter 32, subchapter D of the Code imposes taxes on the sale or use by the manufacturer, producer, or importer of certain recreational equipment specified in that chapter. References in the regulations

in this part to the “Internal Revenue Code” or the “Code” are references to the Internal Revenue Code of 1986 (United States Code of 1986), as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1986, as amended, unless otherwise indicated.

§ 53.2 Attachment of tax.

(a) For purposes of this part, the manufacturers excise tax generally attaches when the title to the article sold passes from the manufacturer to a purchaser.

(b) When title passes is dependent upon the intention of the parties as gathered from the contract of sale and the attendant circumstances. In the absence of expressed intention, the legal rules of presumption followed in the jurisdiction where the sale is made govern in determining when title passes.

(c) In the case of a sale on credit, the tax attaches whether or not the purchase price is actually collected.

(d) Where a consignor (such as a manufacturer) consigns articles to a consignee (such as a dealer), retaining ownership in them until they are disposed of by the consignee, title does not pass, and the tax does not attach until sale by the consignee. Where the relationship between a manufacturer and a dealer is that of principal and agent, title does not pass, and the tax does not attach, until sale by the dealer.

(e) In the case of a lease, an installment sale, a conditional sale, or a chattel mortgage arrangement or similar arrangement creating a security interest, a proportionate part of the tax attaches to each payment. See section 4217 and §§ 53.103 and 53.104 for a limitation on the amount of tax payable on lease payments.

(f) In the case of use by the manufacturer, the tax attaches at the time the use begins.

§ 53.3 Exemption certificates.

Several sections of the regulations in this part, relating to sales exempt from manufacturers excise tax, require the manufacturer to obtain an exemption