



ST-809 Part-Quarterly Instructions

Instructions for Form ST-809

New York State and Local Sales and Use Tax Return for Part-Quarterly Filers

For tax period:

December 1, 2002, through December 31, 2002

The New York State Tax Department is dedicated to answering any questions you have about sales and use taxes. For assistance, please call our Business Tax Information Center at

1 800 972-1233

or

For updated tax news, downloadable tax forms, links to related sites, and other information, visit our Web site at

www.tax.state.ny.us



**Please read this
section before
completing your return.**

Filing requirements

Importers and others registered under Article 12-A as distributors of motor fuel or diesel motor fuel must also file Form FT-945/1045, *Report of Sales Tax Prepayment on Motor Fuel/Diesel Motor Fuel*, to report the sales tax prepayments due on motor fuel or diesel motor fuel. These prepayments must not be included in the taxable receipts reported on Form ST-809 or Form ST-810, *New York State and Local Quarterly Sales and Use Tax Return for Part-Quarterly Filers*, but distributors who have used these fuels or sold them at retail may take credits on Form ST-809 (or Form ST-810) for the prepaid tax already paid on the fuel used or sold (on the return, see box 5 of Step 1 or box 3 of Step 2 — *Credit for prepaid sales tax*).

Filing methods

Two methods are available for monthly filing: **long** and **short**. If you have filed returns for each of the four quarters immediately preceding the month to be covered, you may use either method. Otherwise, you must use the long method.

Long method — You must report and pay actual state and local sales and use taxes due for the month.

Short method — You must report and pay an amount equal to one-third of the total state and local sales and use taxes that were due for the comparable quarter of the previous year, adjusted to reflect any new, increased, or decreased local sales and use tax. Report local taxes as part of the total rather than separately.

Preaddressed labels

Place the enclosed peel-and-stick preaddressed label in the appropriate section on the front of the return (also be sure to include your sales tax identification number and name on any schedule you may be required to file). Please be sure to keep a copy of your completed return for your records.

If you did not receive a return with a preaddressed label, complete the sales tax identification number, name, and address boxes on the front of the return.

Step 2 of 3 Short method of calculating tax due

1 Comparable quarter of previous year (see 13 in instructions)*	1			
2 Tax due (one-third of box 1 amount)	2			
3 Credit for prepaid sales tax (see 14 in instructions)	3			
4 Net tax due (subtract box 3 amount from box 2 amount)	4			
5 Credits (attachments required, see 15 in instructions)	5			
6 Advance payments (see 16 in instructions)	6			
7 Add box 5 amount to box 6 amount				
8 Sales and use tax due (subtract box 7 amount from box 4 amount)				
9 Interest and penalty (see 17 in instructions)				
10 Amount due (add box 8 amount to box 9 amount)				

13 Comparable quarter of previous year

Enter in box 1 of Step 2 total taxes that were due (before deducting credits or advance payments) for the comparable quarter of the previous year. Make adjustments to reflect any new, increased, or decreased taxes. (See *Short method adjustment* below.)

Form ST-810.10, Quarterly Schedule FR for Part-Quarterly Filers: When entering the total taxes that were due for the comparable quarter in the previous year, include the amount reported on page 3, Column F, box 8, of the Form ST-810.10 filed for the comparable quarter. The amount in box 8 is the total taxes reported on motor fuel and diesel motor fuel before deducting the credit for prepaid sales tax on either of these fuels.

14 Credit for prepaid sales tax

Enter in box 3 of Step 2 the amount of sales tax prepaid to your suppliers on motor fuel or diesel motor fuel sold at retail or used during the month covered by this return.

Registered distributors of motor fuel or diesel motor fuel should also include in box 3 of Step 2 amounts prepaid with Form FT-945/1045 on motor fuel or diesel motor fuel sold at retail (whether taxable or nontaxable*), or used during the month covered by this return.

***Exception:** Credit for prepaid sales tax on motor fuel or diesel motor fuel that you sold in bulk (that is, through a marketing location, other than a retail service station) to an exempt purchaser or delivered out of state to your customer should be reported on Form FT-945/1045.

Include in box 3 of Step 2 the prepaid sales tax credit on cigarettes you claimed for the month.

15 Credits

Enter in box 5 of Step 2 the credits claimed against the tax other than credits taken in box 3 of Step 2. **Do not** claim any vendor collection credit in this box.

Report empire zone (EZ) credits in this box and file Form AU-11, *Application for Credit or Refund of Sales or Use Tax*, separately from your return. Mail Form AU-11 and all substantiation to the address shown on the form. Indicate on Form AU-11 the period of the return on which you are taking the credits.

Enter the total EZ credits and other credits you can substantiate but cannot identify with a specific locality. You **must substantiate** all credits in this box.

Substantiate other credits reported in box 5 of Step 2 by attaching a statement explaining the basis for the credit and any other supporting documents (for example, credit for tax a contractor paid on purchases of materials that were then used to perform repairs that are subject to the tax). Your substantiation must include the taxing jurisdiction, rate of tax paid, and calculations used to determine the amount of credit.

Short method adjustment

When a local rate has been increased or decreased, multiply the total taxable sales and purchases subject to tax reported for that locality in the comparable previous quarter by the difference between the new and old rates. If a new local tax was enacted since the end of the comparable previous quarter, use current records to estimate taxable sales and purchases subject to tax in that locality for three months and multiply this amount by the new local tax rate. Total

the adjustments for all such localities and add this amount to, or subtract it from, the taxes due for the comparable quarter last year. Enter this adjusted total in box 1 of Step 2. **List the names of the localities and the amount of the adjustment (show negative balances in parentheses) for each in the dedicated space below the Step 2 box.**

Example:

The entries in this example are fictional. Do not use these figures when completing your return.

City "Y" increased its local tax and County "D" decreased its local tax. If a vendor reported taxable sales for City "Y" in the previous year's comparable quarter and sales were also made in County "D" during that quarter, the adjustments would be computed as follows:

Locality*	Combined Rate Current	Combined Rate Comparable Quarter	Increase (Decrease)	x	Taxable Sales **	=	Adjustment*	
City "Y"	7%	6%	1%		\$250,000		\$2,500	
County "D"	5%	7%	(2%)		3,000		(60)	
Total adjustments to be added to comparable previous year's quarter								\$2,440

* Enter locality and adjustment information in the dedicated space below the Step 2 box.

** Includes purchases subject to tax.

16 Advance payments

Enter in box 6 of Step 2 any tax you paid in advance.

Do not include sales tax prepayments due on motor fuel or diesel motor fuel as advance payments. Report these prepayments on Form FT-945/1045.

17 Penalty and interest

If you are filing your return late or not paying the full amount due, or both, you owe penalty and interest. Penalty and interest are calculated on the amount of tax due, from box 8 of Step 2. The minimum penalty for late filing is \$50. Late payment and underpayment also result in interest charges; interest rates are adjusted quarterly and compounded daily.

For an estimate of your penalty and interest amount, call 1 800 972-1233. A Tax Department representative

will calculate this estimate for you. Or you can use our Web site at

www.tax.state.ny.us/salespi/salespi.asp

to estimate your penalty and interest. Enter this amount in box 9 of Step 2.

18 Amount due

Enter in box 10 of Step 2 the total of box 8 and box 9 of Step 2. This is the amount to pay with this return.

Step 3 of 3 Sign and mail this return

Please be sure to keep a completed copy for your records.

Must be postmarked by **Tuesday, January 21, 2003**, to be considered filed on time. See below for complete mailing information.

Printed name of taxpayer _____ Title _____

Signature of taxpayer _____ Date _____ Daytime telephone (_____) _____

19 Sign and mail this return

Signatures required

If you are a sole proprietor, you must sign the return and print your name, title, date, and telephone number.

If you are filing this return for a corporation, partnership, or other type of entity, an officer, employee, or partner must sign the return on behalf of the business, and print his or her name, title, date, and telephone number.

If you do not prepare the return yourself, sign, date, and provide the requested taxpayer information. The preparer must also sign the return and print his or her name, address, and telephone number.

Please be sure to keep a copy of your completed return for your records.



Where to mail your return and attachments

Use the enclosed preprinted return envelope to mail your return and attachments. If you are using your own envelope, see page 2 of Form ST-809 to determine where to send your completed return, attachments, and payment. If you are not using the U.S. Postal service, see *Private delivery service address* below.

Private delivery service address

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to file your return. However, if, at a later date, you need to establish the date you filed your return, you cannot use the date recorded by a private delivery service unless you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* below for information on ordering forms and publications.)

Address your return to:

JPMORGAN
NYS GOVERNMENT TAX PROCESSING
12 CORPORATE WOODS BLVD - 4TH FLOOR
ALBANY NY 12211-2524

Need help?



Telephone assistance is available from 8 a.m. to 5:55 p.m. (eastern time), Monday through Friday.

For business tax information, call the New York State Business Tax Information Center: 1 800 972-1233

For general information: 1 800 225-5829

To order forms and publications: 1 800 462-8100

From areas outside the U.S. and outside Canada: (518) 485-6800



Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week. 1 800 748-3676



Internet access: www.tax.state.ny.us



Hotline for the hearing and speech impaired:

1 800 634-2110 from 8 a.m. to 5:55 p.m. (eastern time), Monday through Friday. If you do not own a telecommunications device for the deaf (TDD), check with independent living centers or community action programs to find out where machines are available for public use.



Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.



If you need to write, address your letter to:

NYS TAX DEPARTMENT
TAXPAYER CONTACT CENTER
W A HARRIMAN CAMPUS
ALBANY NY 12227

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention,

support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.