



ST-101 Annual Instructions

Instructions for Form ST-101 New York State and Local Annual Sales and Use Tax Return

For tax period:

March 1, 2006, through February 28, 2007

Highlights for this reporting period

- You **must** claim any outstanding unclaimed vendor collection credit amount from Form TR-912, *Notice of Unclaimed New York State Sales Tax Vendor Collection Credit*, on the return for the period ending February 28, 2007. This is the final period for which these notices are valid. After March 20, 2007, the notices are considered void and of no value and you will no longer be entitled to claim the credit amount listed on the notice. See TSB-M-06(12)S, *Summary of the 2006 Budget Legislation Relating to Sales Taxes*, for more information.
- Please note:** Several rate changes (described below) became effective during this year. Whenever a sales and use tax rate changes, the corresponding jurisdictional code is replaced with a new code. Therefore, you should be aware that all tax rates affected by the rate changes described below have been assigned **new jurisdictional reporting codes**.
- Effective **March 1, 2006**, the cities of Canandaigua and Geneva, located in Ontario County, each repealed their local sales and use tax. See ST-06-2, *City of Canandaigua and City of Geneva Local Sales and Use Taxes Repealed Effective March 1, 2006*.
- Effective **March 1, 2006**, Schenectady County's temporary exemption from tax on receipts from the sale of energy sources and services used for residential purposes expired. See ST-06-4, *Schenectady County Local Sales and Use Tax Exemption For Residential Energy Sources and Services Expires Effective March 1, 2006*.
- Effective **April 1, 2006**, there is a year-round sales and use tax exemption from state and certain local sales and use taxes for eligible clothing, footwear, and items used to make or repair exempt clothing costing less than \$110 per item or pair. See TSB-M-06(6)S, *Year-Round Sales and Use Tax Exemption of Clothing, Footwear, and Items Used to Make or Repair Exempt Clothing (Effective April 1, 2006)*. The exemption applies to the state's 4% sales and use taxes. The exemption does not apply to locally imposed sales and use taxes unless the county or city imposing those taxes elected the exemption. The exemption also does not apply to the 3/8% sales and use taxes imposed by the state in the Metropolitan Commuter Transportation District (MCTD) unless the locality in the MCTD elects the exemption from its own local taxes.
- Receipts from the retail sales and installations of residential solar energy systems equipment are exempt from the 4% state sales and use taxes and the 3/8% sales and use taxes imposed by the state in the MCTD. Cities and counties have the authority to grant this exemption from their local sales and use taxes. See TSB-M-05(11)S, *Sales and Use Tax Exemption For Residential Solar Energy Systems Equipment*, and ST-06-3, *Important Information Regarding Locality Changes Effective March 1, 2006, Related to New York State Sales and Use Tax Exemption For Residential Solar Energy Systems Equipment*, for more information, including instructions on reporting these sales. Also see Publication 718-S, *Local Sales and Use Tax Rates on Sales and Installations of Residential Solar Energy Systems Equipment*, for a listing of the local jurisdictions that enacted this exemption and the rates in effect in those localities that did not enact the exemption.
- Effective **June 1, 2006**, the combined state and local tax rate imposed in Franklin County increased to 8%. See ST-06-5, *Franklin County Sales and Use Tax Rate Increase Effective June 1, 2006*.
- Effective **June 1, 2006**, St. Lawrence County's temporary exemption from tax on receipts from the sale of energy sources and services used for residential purposes expired. See ST-06-6, *St. Lawrence County Local Sales and Use Tax Exemption For Residential Energy Sources and Services Expires Effective June 1, 2006*.
- Effective **June 1, 2006**, Suffolk County's temporary tax rate decrease on receipts from the sale of energy sources and services used for residential purposes expired. See ST-06-7, *Suffolk County Local Sales and Use Tax Rate Decrease on Residential Energy Sources and Services Expires Effective June 1, 2006*.
- Effective **June 1, 2006**, the local tax rate of 4% imposed in Broome and Schuyler counties on sales of clothing and footwear costing less than \$110 per item or pair was eliminated. These sales are fully exempt from state and local sales and use tax. Also effective **June 1, 2006**, the city of Olean, located in Cattaraugus County, repealed its exemption. These sales are subject to tax at the rate of 4%. See Publication 718-C, *Local Sales and Use Tax Rates on Clothing and Footwear*, for a listing of the local jurisdictions that enacted the clothing exemption and the rates in effect in those localities that did not enact the exemption.

- Effective **June 1, 2006**, the Tax Law was amended to cap the amount of New York State sales tax imposed on qualified motor fuel and diesel motor fuel at 8 cents-per-gallon outside the MCTD and 8 3/4 cents-per-gallon within the MCTD. The legislation also authorizes counties and cities, including New York City, to cap the amount of their local sales tax imposed on motor fuel and diesel motor fuel beginning **July 1, 2006**. See TSB-M-06(8)S, *New Guidelines on the Sales of Motor Fuel and Diesel Motor Fuel Subject to the Cents-Per-Gallon Sales Tax*, and TSB-M-06(9)S, *Local Sales Tax on Qualified Motor Fuel and Diesel Motor Fuel - Localities Electing to Change to Cents-Per-Gallon Calculation Method Effective July 1, 2006, and Other Rate Information*. Also see Publication 718-F, *Local Sales and Use Tax Rates on Qualified Motor Fuel, Diesel Motor Fuel, and B20 Biodiesel*, for a listing of the local jurisdictions that enacted the cap and the rates in effect on sales of these fuels.
- Effective **September 1, 2006**, there is a partial exemption from state and local sales taxes on the sale or use of B20 biodiesel that is qualified fuel. In addition, retail sales and uses of hydrogen, E85, and compressed natural gas (CNG) that are qualified fuels are fully exempt from the state and local sales tax. See TSB-M-06(10)S, *Sales Tax Exemptions and Reductions for Certain Alternative Fuels Beginning September 1, 2006*.
- Effective **September 1, 2006**, the following rate changes took effect:
 - The combined state and local tax rate imposed in Chautauqua County decreased to 8%. See ST-06-8, *Chautauqua County Sales and Use Tax Rate Decrease Effective September 1, 2006*.
 - The combined state and local tax rate imposed in Oneida County, including the cities of Rome, Sherrill, and Utica, decreased to 9%. See ST-06-9, *Oneida County Sales and Use Tax Rate Decrease Effective September 1, 2006*.
 - The combined state and local tax rate imposed in Ontario County increased to 7 1/8%. See ST-06-10, *Ontario County Sales and Use Tax Rate Increase Effective September 1, 2006*.
- Effective **September 1, 2006**, the city of Gloversville, located in Fulton County, repealed its exemption on sales of clothing and footwear costing less than \$110 per item or pair. These sales are subject to tax at the rate of 4%. See Publication 718-C for a listing of the local jurisdictions that enacted the clothing exemption and the rates in effect in those localities that did not enact the exemption.
- Effective **September 1, 2006**, the Tax Law was amended to increase the vendor collection credit from 3 1/2% of the state sales tax collected and reported on the vendor's sales tax return, to 5% of all taxes and fees, including local sales tax, reported on the vendor's sales tax return, provided the return is timely filed and fully paid. In addition, the amendments provide that the maximum amount of the vendor collection credit is increased from \$150 to \$175 for this reporting period.
- Effective **December 1, 2006**, the local tax on motor fuel and diesel motor fuel sold as *qualified fuel* in Orange County and Schenectady County is no longer computed on a cents-per-gallon basis and will instead be computed using a percentage rate method. See Publication 718-F for more information.
- Reporting sales of clothing and footwear in Chautauqua County** — There were several changes to the clothing exemption in Chautauqua County during this fiscal year. Please see page 2 of these instructions for information on reporting sales of clothing and footwear in Chautauqua County.
- We are pleased to announce a new electronic service to assist sales tax vendors who may be required to collect sales tax for more than one local taxing jurisdiction. Using this service, vendors can determine, for most addresses in the state, the taxing jurisdiction (county or city) and the current general sales tax rate and jurisdictional reporting code. The service is available through the Department's Web site, www.nystax.gov. To access the service, click on "Electronic Services" on the Department's home page.
- Third-party designee** — You can authorize another person to discuss this tax return with the Tax Department by completing the *Third-party designee* section on Form ST-101. For more information, see *Third-party designee* on page 4.
- Important reminder to file all pages of your sales tax returns:** Please include all pages of all forms you completed when you file with the Tax Department, even if you did not make entries on some of the pages.

The New York State Tax Department is dedicated to answering your questions. Please call our Sales Tax Information Center for assistance. You may also visit our Web site for updated tax news, downloadable forms, links to related sites, and other information (see *Need help?* on page 4).



Please read this section before completing your return.

Quarterly filers who converted to annual filing

Even if you filed one or more quarterly returns for this annual period and then changed to annual filing status, you must enter your sales and use tax information on Form ST-101 and all required schedules for the **entire** annual period. You may claim a credit in Step 5 for taxes you paid with your quarterly returns.

Filing requirements

Annual filing: Filers who owe **more than \$3,000** in tax for this annual filing period must begin to file quarterly (or possibly monthly) returns. Call the Sales Tax Information Center immediately to change to quarterly or monthly filing status and to obtain the necessary forms. (See *Need help?* on page 4.)

Preaddressed labels

Place the enclosed peel-and-stick preaddressed label in the appropriate section on page 1 of the return (also be sure to include your identification number and name on any schedule(s) 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 identification number, name, and address boxes on page 1 of the return.

Making numerical entries

Write your numbers like this:



1 No tax due? — You must file a return even if you had no taxable sales and made no purchases subject to tax. Mark an **X** in the box, enter your gross sales and services in box 1, and write **none** in boxes 12, 13, and 14 on page 3, Step 3. Then go to Step 9.

There is a \$50 penalty for late filing of a no-tax-due return.

Telefilers: If you are enrolled in the Telefile program and you have no tax due this period, call 1 888 829-3769 and follow the verbal instructions. Keep the confirmation number given at the end of the transaction as your proof of filing. **Do not** file a paper return for this period.

2 Final return? — If you have permanently discontinued your business, mark an **X** in the box that follows **Final return?**, complete the back of your sales tax *Certificate of Authority*, and attach it to your Form ST-101. (If you are unable to return your certificate, attach an explanation.)

3 Has your address or business information changed?

If you need to update your **sales tax mailing address**, call the Sales Tax Information Center (see *Need help?* on page 4) or enter your correct address on the label we provided. You may also use Form DTF-96, *Report of Address Change for Business Tax Accounts*, to update your mailing address, physical address, or designated preparer or filing service address. If you need to change additional information such as the name, ID number, physical address, owner/officer information, business activity, or paid preparer address (as well as your address), complete and send in Form DTF-95, *Business Tax Account Update*. You can obtain forms through Internet access, fax-on-demand, or by calling one of the telephone assistance numbers listed in the *Need help?* section on page 4.

STEP 1

4 Enter gross sales and services — Enter the total taxable, nontaxable, and exempt sales from your New York State business locations and from locations outside New York State delivered into the state in box 1. **Exclude sales tax from this amount.** Also, **do not include sales** from Form ST-101.10, *Annual Schedule FR*.

STEP 2

5 Identify required schedules — Determine which schedules, if any, you are required to complete and file with Form ST-101. Brief descriptions of schedules A, B, FR, H, N, Q, and T are included on page 1 of Form ST-101. For more detailed information, see the specific schedule.

Complete the required schedules, if any, and proceed to Step 3.

If you are filing Forms ST-101.4, *Annual Schedule NJ*, or ST-101.11, *OS-114, Annual Schedule CT*, or both, **do not** enter the sales information from the schedules onto Form ST-101, but **do** include the amount of tax due to New Jersey and Connecticut, along with the amount due from Form ST-101, in your check or money order.

Form ST-101.4 is a New Jersey form used by those New York State vendors registered in the New Jersey/New York reciprocal tax agreement to report sales subject to New Jersey tax.

Form ST-101.11 is a Connecticut form used by those New York State vendors registered in the Connecticut/New York reciprocal tax agreement to report sales subject to Connecticut tax.

STEP 3

6 Calculate sales and use taxes — If you are filing Schedule FR, enter the amount from box 12 on that schedule in box 2 on page 2 of Form ST-101.

If you are filing schedule A, B, B-ATT, H, N, Q, T, or T-ATT (or any combination of these), enter the combined totals from the completed schedules in boxes 3, 4, and 5 on page 2 of Form ST-101. (Do not include amounts from schedules CT and NJ.)

7 Columns A & B – Taxing jurisdiction and code — Report each sale of property and services, and each purchase subject to tax, for the jurisdiction (broken out by date ranges) in which the sale was made and delivered and where the purchase was used. **Do not report on these jurisdiction lines any sale or purchase already reported on a schedule.**

Reporting New York City taxes — Use the *New York State/MCTD 4%* tax rate line on page 3 to report purchases of fuel and utility services subject to sales tax at the full combined state and local tax rate for which you paid New York City tax only. Report fuel or utilities used for **residential** purposes on Form ST-101.3, *Annual Schedule B*.

Use the *New York City - local tax only 4%* tax rate line to report sales in the city of New York for: 1) fuel and utility services used in the production of gas, electricity, refrigeration, and steam for sale; and 2) installation, repair, and maintenance services to property used in farming. Do not report these transactions on the *New York City/State combined tax 8%* tax rate line.

For the period March 1, 2006, through March 31, 2006, use the *New York State/MCTD 4%* tax rate line to report sales in New York City of exempt clothing and footwear, and items used to make or repair exempt clothing, costing less than \$110 per item or pair. For the period April 1, 2006, through February 28, 2007, sales of eligible clothing and footwear are fully exempt in New York City. Report these sales on the *New York City* line on Part 1 of Form ST-101.7, *Annual Schedule H*. Sales of clothing and footwear not eligible for exemption should be reported on the *New York City/State combined tax 8%* tax rate line.

Reporting sales of clothing and footwear in Chautauqua County — For the period March 1, 2006, through March 31, 2006, use the *New York State only 4%* tax rate line on page 2 of Form ST-101 to report sales in Chautauqua County of clothing and footwear, and items used to make or repair clothing, regardless of the price. See TSB-M-06(2)S, *Local Chautauqua County Sales and Compensating Use Tax Exemption of Clothing, Footwear, and Items Used to Make or Repair Exempt Clothing Effective March 1, 2006*, for information regarding Chautauqua County's local exemption.

For the period April 1, 2006, through August 31, 2006, sales of eligible clothing, footwear, and items used to make or repair exempt clothing costing less than \$110 per item or pair are **fully exempt**. Report these sales on the *Chautauqua County* line on Part 1 of Form ST-101.7. Sales of clothing, footwear, and items used to make or repair exempt clothing costing \$110 or more per item or pair during this period are subject to the state's 4% sales and use taxes. Report these sales on Form ST-101, page 2, on the *New York State only 4%* tax rate line.

For the period September 1, 2006, through February 28, 2007, Chautauqua County's local exemption applies only to clothing, footwear, and items used to make or repair exempt clothing **costing less than \$110**. These sales are fully exempt. Report these sales on the *Chautauqua County* line on Part 1 of Form ST-101.7. See TSB-M-06(11)S, *Change to Local Chautauqua County Sales and Compensating Use Tax Exemption of Clothing and Items Used to Make or Repair Exempt Clothing Effective September 1, 2006*, for more information.

Reporting sales of residential solar energy systems equipment — Report receipts from sales and installations of qualifying residential solar energy systems equipment for the jurisdiction in which each sale was made and delivered at the full tax rate in effect for that jurisdiction. If a sale occurred in a jurisdiction outside the MCTD, use the *New York State only 4%* tax rate line on page 2 to claim a credit for the state sales tax. If a sale occurred in the MCTD, use the *New York State/MCTD 4%* tax rate line to claim a credit for the state and MCTD taxes. In claiming a credit, include the receipts from the sale as a negative number in Column C. If the overall result in Column F is a negative number, precede it with a minus sign (-).

Do not report in this section sales and installations made in localities that have enacted a local exemption, where the sales are fully exempt from tax. Report these sales on page 1, step 1 as part of your gross sales only.

See Publication 718-S for a listing of the local jurisdictions that enacted this exemption and the rates in effect in those localities that did not enact the exemption.

Special reporting rules for sales and installations made within the cities of Auburn, Rome, Sherrill, Utica, and Glens Falls — Sales and installations of residential solar energy systems equipment in the cities of Rome, Utica, and Glens Falls are subject to local tax at the rate of 1½%; in the city of Sherrill, the rate is 1%. Sales and installations of residential solar energy systems equipment in the city of Auburn are subject to a local Cayuga County tax at the rate of 2%. For these cities, report receipts from sales and installations of residential solar energy systems equipment for the jurisdiction in which each sale was made and delivered at the full tax rate in effect for that jurisdiction. To claim a credit for the New York State, MCTD (if applicable), and local tax, determine the credit rate from the following chart and enter the amount of the credit in Step 5 on the *Credits against sales or use tax* line. The

credit **must be substantiated**. Attach a statement to your return explaining the basis for the credit claimed, including the amount of taxable sales against which you are claiming the credit and the jurisdiction in which the sale was made and reported. For your return to be properly processed, at the top of page 1 of your return you must write **Solar energy exemption** and the name of the city(ies) for which you are reporting these sales and credits.

City	Credit rate
Auburn	6%
Rome (3/1/06 - 8/31/06)	8%
Rome (9/1/06 - 2/28/07)	7½%
Sherrill (3/1/06 - 8/31/06)	8½%
Sherrill (9/1/06 - 2/28/07)	8%
Utica (3/1/06 - 8/31/06)	8%
Utica (9/1/06 - 2/28/07)	7½%
Glens Falls	5½%

8 Column C – Taxable sales and services — Report taxable sales for each jurisdiction in New York State where delivery of sales and services occurred. **Do not** include sales tax in this amount.

Credits against sales and services — Credits that can be identified by locality should be taken on the appropriate line in Step 3. If the result is a negative number, precede it with a minus sign (-). Examples of such credits include:

- Tax paid on property purchased in bulk and stored, but not used by the purchaser, and subsequently shipped for use in another jurisdiction.
- Tax paid on property fabricated, assembled, processed, printed, or imprinted in one jurisdiction, that was shipped for use in another jurisdiction.
- Tax paid on canceled sales, returned merchandise, and bad debts.
- Tax paid on construction materials resold or incorporated into realty in another jurisdiction. (Unless the materials were used out of state or otherwise exempt, report tax on the materials.)
- Tax paid by a veterinarian on drugs and medicines used in certain veterinary services.

Note: To claim an empire zone (EZ) credit, a credit from your prior return, or a credit that you are unable to associate with a particular jurisdiction, see **16**.

See **2c** for information about documenting any credits claimed.

9 Column D – Purchases subject to tax

- Purchases outside New York State: Report the full amount of purchases made outside New York State of tangible personal property and services used in your business in New York State on which no New York State tax was paid.
- Purchases in New York State in one jurisdiction/use in another jurisdiction: Report the full amount of any tangible personal property or services purchased for use in your business if the tax rate is higher in the jurisdiction where the property or services are used than the tax rate in the jurisdiction where you purchased the property or services.

In either of the cases above, you may be able to claim a credit for tax paid on such purchases in Step 5. See **16**.

Do not include in Column D purchases of property or services purchased for resale or which are exempt, or taxable sales and services reported in Column C.

Contractors: Also report materials purchased in one jurisdiction that are incorporated into realty in another.

10 Column E – Tax rate — Tax rates for the period are printed in Column E in percentage formats, broken out by date ranges as indicated in Column A.

11 Column F – Sales and use tax — For each jurisdiction for which you reported sales, purchases, or credits, add the amounts in Columns C and D, then multiply the total by the tax rate in Column E, one line at a time. Enter the result in Column F. $(C + D) \times E = F$.

This result may be a net credit, which you should identify by preceding it with a minus sign (-). **Note:** Any net credits should be subtracted when totaling the column.

Note: You must remit with your return any amount collected as tax even if the amount collected is in excess of the actual tax due.

12 Column totals

- On page 2, separately subtotal Column C (box 6), Column D (box 7), and Column F (box 8). Include the amounts from schedules, listed in boxes 2, 3, 4, and 5, when subtotaling each column. Transfer the box 6, 7, and 8 amounts to page 3, boxes 9, 10 and 11, respectively.
- On page 3, separately total Column C (box 12), Column D (box 13), and Column F (box 14). Include the column subtotals from page 2 (entered in boxes 9, 10, and 11) when totaling each column. Enter the box 14 amount in Step 6.
- Enter the total dollar amount of credit against the tax claimed in Step 3 or on any schedules filed (except on Form ST-101.10). Show any net credits

by preceding the amount with a minus sign (-). Attach a statement and any other supporting documentation explaining the basis for the amount of credit claimed. Do not include credits for the vendor collection credit, prepaid sales tax on motor fuel or diesel motor fuel or cigarettes, or any other credit claimed in Step 5 on page 3.

STEP 4

13 Calculate special taxes — Enter taxable receipts from sales or uses of passenger car rentals and of information and entertainment services furnished via telephony and telegraphy on the appropriate lines in Column G. Multiply the taxable receipts (Column G) by 5% (.05). Enter the resulting tax in Column J.

14 Total special taxes — Add the two lines in Column J and enter the total in box 15. Also enter the box 15 amount in Step 6.

STEP 5

15 Credit for prepaid sales tax on cigarettes — Enter your credit for prepaid sales tax on cigarettes, if any, in Column K.

16 Credits against sales or use tax — Credits must be substantiated by attaching a statement and any other supporting documentation explaining the basis for credit claimed.

Enter the total amount of other credits or refunds of sales tax you are claiming (excluding the vendor collection credit). You must keep records to validate all credits and refunds claimed, and attach to your return the forms or explanations that verify them. Do not enter any credits that were claimed on jurisdiction lines in Step 3.

Credits that may be claimed in Step 5 include:

- Credit for sales tax paid against additional tax on purchases reported in Column D (included are credits for taxes paid in another jurisdiction in New York State or to another state).
Example: You purchased tangible personal property in a jurisdiction with a 6% tax rate; you later use this property at your business located in a jurisdiction with an 8% tax rate. You must report the purchase in Column D on the appropriate 8% jurisdiction line, and take a credit for the 6% sales tax originally paid on the purchase.
 - Credits where the tax rate for the jurisdiction in which tax was paid is different from the tax rate in the period in which the credit is claimed.
Example: You paid 8% tax, and later determined that you are entitled to a credit. During that time, the tax rate changed to 7%. You are still entitled to the 8% credit.
 - Credit for an overpayment of tax made in a prior quarter that you have not previously claimed.
- Note:** Any credit against tax taken in Step 5 should be based on the amount of tax paid or paid over at the time of the original transaction.
- Credit for state tax and some local taxes paid on certain construction materials in empire zones (EZ) (see Publication 30, *A Guide to Sales and Use Tax Incentives within Empire Zones*).
 - Credit for additional tax paid on property incorporated into realty according to a preexisting lump-sum or unit price contract, where the additional tax is the result of a rate increase.

Note: Form AU-11, *Application for Credit or Refund of Sales or Use Tax*, should also be filed for any of these transactions.

17 Advance payments — Enter the total amount of any advance payments that were reported on and paid with Form ST-330, *Sales Tax Record of Advance Payment*.

18 Unclaimed vendor collection credit — If you received a Form TR-912, *Notice of Unclaimed New York State Sales Tax Vendor Collection Credit*, enter the total *Unclaimed vendor collection credit* amount on the appropriate line in Step 5. Attach a copy of Form TR-912 to the return.

You **must** claim any outstanding unclaimed vendor collection credit amount on the return for the period ending February 28, 2007. This is the final period for which these notices are valid. After March 20, 2007, the notices are considered void and of no value and you will no longer be entitled to claim the credit amount listed on the notice. See TSB-M-06(12)S, *Summary of the 2006 Budget Legislation Relating to Sales Taxes*, for more information.

19 Total tax credits and advance payments — Add Column K and enter the total in box 16. Also enter the box 16 amount in Step 6.

STEP 6

20 Calculate taxes due — Enter the amounts from box 14, *Sales and use tax*, box 15, *Total special taxes*; and box 16, *Total tax credits and advance payments*, in the appropriate spaces. Add boxes 14 and 15, and subtract box 16. Enter the result in box 17.

STEP 7

21 Vendor collection credit — The Tax Law provides you with a credit for your collection of sales tax from your customers. The maximum vendor collection credit you can claim on your return is \$175.

You can receive this credit **only** if you file your return on time and pay the full amount due. If you file on time but do not pay the full amount due, or if you file late, you cannot claim this credit. Enter **0** in box 18 and go to Step 7B.

If you qualify, calculate your vendor collection credit in Step 7A. If the result is less than \$175, enter the result in box 18. If the result is equal to or more than \$175, enter only \$175 in box 18.

To calculate your vendor collection credit, add the amount in box 14 to the amount in box 15. If you file Schedule FR, enter the amount from Section 4, Step 2, box 11 of that form (be sure to enter this amount as a positive number) and add it to the amount determined above (box 14 + box 15). Multiply the result by the credit rate. If the credit amount is less than \$175, enter the amount of the credit in box 18. If the credit amount is equal to or more than \$175, enter \$175 in box 18.

22 Determine penalty and interest — If you are filing your return late or not paying the full amount due, or both, you owe penalty and interest, and cannot claim a vendor collection credit. Penalty and interest are calculated on the amount in box 17, *Taxes due*. The **minimum penalty for late filing is \$50**. For penalty information, see *Penalty computation* below. Interest is due on any late payment or underpayment and accrues from the due date of the return to the date the tax is paid. Interest rates are compounded daily and adjusted quarterly.

You can estimate your penalty and interest by visiting our Web site and clicking on *Electronic Services* or you may call the Sales Tax Information Center to have a Tax Department representative estimate your penalty and interest for you (see *Need help?* below). Enter this amount in box 19.

Penalty computation

- For failure to file a return on time with **no tax due**, the penalty is \$50.
- For failure to file a return on time **with tax due**, the penalty is:
 - For 1-60 days late**, 10% (.1) of the tax due for the first month plus 1% (.01) of the tax due for each month thereafter, but in no instance less than \$50.
 - For 61 or more days late**, the greater of:
 - 10% (.1) of the tax due for the first month plus 1% (.01) of the tax due for each month thereafter, not to exceed 30% (.3); or
 - the lesser of \$100 or 100% (1.0) of the tax due, but not less than \$50.
- For failure to pay tax, even though the return is filed on time, the penalty is 10% (.1) of the tax due for the first month, plus 1% (.01) of the tax due for each additional month, up to a maximum of 30% (.3).

STEP 8

23 Calculate total amount due — If you were eligible for and claimed the vendor collection credit in Step 7, subtract the box 18 credit amount from box 17 (*Taxes due*) and enter the result.

If you are filing late and you entered penalty and interest in box 19, add box 19 to box 17 (*Taxes due*) and enter the result.

If you are not claiming the vendor collection credit and not entering penalty and interest, enter the box 17 amount as your *Total amount due*.

Payment information — If you do not file Forms ST-101.4 or ST-101.11, *OS-114 Schedule CT*, make your check or money order for the *Total amount due* payable to **New York State Sales Tax**. If you are filing Forms ST-101.4 or ST-101.11, *OS-114 Schedule CT*, or both, include in your payment amount any tax due with those schedules and with Form ST-101.

On your check or money order, write your sales tax ID#, **ST-101**, and **FY 2007**. Enclose your payment with Form ST-101 to ensure that your payment is properly credited to your account.

If the total amount due is an overpayment, you may either claim a credit or apply for a refund. To claim a credit, enter this amount in Step 5 of your next return and attach substantiation.

To apply for a refund, file Form AU-11, **unless** the overpayment is the result of a credit for prepaid sales tax on motor fuel or diesel motor fuel sold at retail; in that case, you must file the appropriate application:

- Form FT-949**, *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold Other Than at Retail Service Stations*.
- Form FT-950**, *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold at Retail Service Stations*.
- Form FT-1007**, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold at Retail Service Stations*.
- Form FT-1010**, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold Other Than at Retail Service Stations*.

Do not attach the refund application (Form AU-11; FT-949 or FT-950; FT-1007 or FT-1010) to your return. You must file this application **separately** and mail to the address shown on that form.

STEP 9

24 Third-party designee — If you want to authorize another person (third-party designee) to discuss this tax return with the New York State Tax Department, mark an **X** in the *Yes* box in the *Third-party designee* area of your return. Also enter the designee's name, phone number, and any five-digit number the designee chooses as his or her personal identification number (PIN). If you want to authorize the paid preparer who signed your return to

discuss the return with the Tax Department, enter **Preparer** in the space for the designee's name. You do not have to provide the other information requested.

If you mark the *Yes* box, you are authorizing the Tax Department to discuss with the designee any questions that may arise during the processing of your return. You are also authorizing the designee to:

- give the Tax Department any information that is missing from your return;
- call the Tax Department for information about the processing of your return or the status of your refund or payment(s); and
- respond to certain Tax Department notices that you shared with the designee about math errors, offsets, and return preparation. The notices will not be sent to the designee.

You are not authorizing the designee to receive your refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want the designee to perform those services for you, you must file Form POA-1, *Power of Attorney*, making that designation with the Tax Department. Copies of statutory tax notices or documents (such as a *Notice of Deficiency*) will only be sent to your designee if you file Form POA-1.

You cannot revoke the third-party designee authorization or change the PIN. However, the authorization will automatically end on the due date (without regard to extensions) for filing your next year's tax return.

25 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, preparer identification number, 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 4 of Form ST-101 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 mail in your return and tax payment. However, if, at a later date, you need to establish the date you filed your return or paid your tax, 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 obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. If you use **any** private delivery service, whether it is a designated service or not, send the forms covered by these instructions to: JPMORGAN CHASE, LOCKBOX, 4 METROTECH CENTER, 8TH FLOOR WEST, BROOKLYN NY 11245.

Need help?



Internet access: www.nystax.gov
(for information, forms, and publications)



Fax-on-demand forms: 1 800 748-3676



To order forms and publications: 1 800 462-8100

Sales Tax Information Center: 1 800 698-2909

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



Hearing and speech impaired
(telecommunications device for the deaf (TDD) callers only): 1 800 634-2110

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 5-a, 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.