



Instructions for Form CT-240

Foreign Corporation License Fee Return

CT-240-I

New for 2010

This year the Tax Department introduces new Form CT-1, *Supplement to Corporation Tax Instructions*. Changes for this year and general instructions related to your corporation tax return — previously found in individual return instructions — have been compiled in this single form.

See Form CT-1 for the following topics:

- Changes for the current tax year (general and by Tax Law Article)
- Business information (how to enter and update)
- Entry formats
 - Dates
 - Negative amounts
 - Percentages
 - Whole dollar amounts
- Third-party designee
- Use of reproduced and computerized forms
- Collection of debts from your refund or overpayment
- Fee for payments returned by banks
- Tax shelter penalties
- Voluntary Disclosure and Compliance Program
- Your rights under the Tax Law
- Need help?
- Privacy notification

General instructions

A foreign corporation must pay a license fee for the privilege of exercising its corporate franchise or carrying on its business in New York State. This fee is in addition to the annual franchise tax and is payable only once, unless the capital share structure changed or the amount of capital stock employed in New York State increased since the last license fee return was filed. Some changes in capital share structure are as follows:

- stock split
- issuance of authorized stock
- change of par value stock to no-par value stock
- change of no-par value stock to par value stock

Who must file — All foreign corporations (**except** banking corporations as defined in Tax Law, Article 32, section 1452(a), paragraphs 1 - 8; insurance corporations; limited liability companies (LLCs); limited liability partnerships (LLPs); and publicly traded partnerships taxed as corporations under the Internal Revenue Code) that do business in New York State must file Form CT-240. This includes foreign corporations that have elected to be New York State S corporations.

A foreign corporation that is subject to the New York State franchise tax under Article 32, section 1452(a)(9), or a foreign bank holding company that is included in a combined return under Article 32, section 1462(f), **is required** to file a license fee return. However, a foreign corporation or bank holding company that would not otherwise be taxable in New York State, except for its inclusion in a combined return under Article 9-A or Article 32 **is not required** to file a license fee return.

All foreign corporations included in a combined return under Article 9-A or Article 32 that would be taxable in New York State if they filed separate returns are required to file the license fee return and compute the license fee on an individual basis.

When and where to file — File Form CT-240 with the first franchise tax return, within 2½ months after the end of the fiscal or calendar year, **and** whenever a change is made in the capital share structure of the corporation or whenever the amount of capital stock employed in New York State has increased since the last license fee return was filed. When filing Form CT-240 other than with your franchise tax return, mail to:

**NYS CORPORATION TAX
PROCESSING UNIT
PO BOX 22038
ALBANY NY 12201-2038**

Private delivery services — If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed 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?* 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 form, contact that private delivery service for instructions on how to obtain written proof of the date your form 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: State Processing Center, 431C Broadway, Albany NY 12204-4836.

License fee rates — The license fee rate is five cents on each share of no-par value stock and 1/20 of 1% of the value of par value stock. The minimum license fee is \$10.

When the license fee is recomputed, the amount of any license fee previously paid may be taken as a credit against the recomputed license fee. However, no credit for license fees previously paid will be allowed for a foreign corporation that merges or reincorporates in another state. Refunds will not be made to a corporation when a recomputed fee is less than the fee previously paid.

Specific instructions

Computation of license fee

Line A — Make your check or money order payable in United States funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

Line 1 — Enter the total face value of issued par value stock. **Do not include treasury stock.**

Line 4 — Enter the total number of shares of no-par value stock issued. **Do not include treasury stock.**

Line 8 — Enter total license fee paid with prior license fee returns. **Do not include interest or additional charges paid with prior returns.**

Line 10 — If you do not pay the license fee on or before the due date of the return, you must pay interest on the amount of the underpayment from the due date to the date paid. (See *Note*.)

Line 11 — Late filing and late payment penalties

Compute charges for late filing and late payment on the amount of the fee minus any payment made on or before the due date (**with** regard to any extension of time for filing).

A If you do not file a return when due, add to the fee 5% per month up to 25% (Article 27 section 1085(a)(1)(A)).

- B If you do not file a return within 60 days of the due date, the addition to the fee in item A above cannot be less than the smaller of \$100 or 100% of the amount required to be shown (section 1085(a)(1)(B)).
- C If you do not pay the fee shown on a return, add to the fee ½% per month up to 25% (section 1085(a)(2)).
- D The total of the additional charges in items A and C above may not exceed 5% for any one month, except as provided for in item B above (section 1085(a)).

If you think you are **not** liable for these additional charges, attach a statement to your return explaining the delay in filing or payment (section 1085).

Note: You may compute your penalty and interest by accessing our Web site, or you may call and we will compute the penalty and interest for you (see *Need help?*).

Schedule A – Foreign corporations (including S corporations and corporations included in a combined return) taxable under Tax Law, Article 9-A

Add the allocated New York State business capital, allocated New York State investment capital, and the allocated New York State subsidiary capital, then divide the result by total capital.

Example:	<i>Allocated NYS capital</i>	<i>Capital everywhere</i>
<i>Business capital</i>	\$750,000	\$1,000,000
<i>Investment capital</i>	5,000	50,000
<i>Subsidiary capital</i>	<u>100,000</u>	<u>100,000</u>
	\$855,000	\$1,150,000

License fee allocation percentage: 74.3478% (855,000 ÷ 1,150,000)

Form CT-3-S filers: If you file Form CT-3-S, *New York S Corporation Franchise Tax Return*, calculate your allocated business and investment capital and total capital on Form CT-3, *General Business Corporation Franchise Tax Return*, and your allocated subsidiary capital on Form CT-3-ATT, *Schedules B, C, and D – Attachment to Form CT-3*.

Combined filers: If you file Form CT-3-A, *General Business Corporation Combined Franchise Tax Return*, calculate your allocated business and investment capital and total capital, as if you were filing on a separate basis, on Form CT-3, *General Business Corporation Franchise Tax Return*, and your allocated subsidiary capital on Form CT-3-ATT, *Schedules B, C, and D – Attachment to Form CT-3*.

Schedule B – Foreign corporations taxable under Tax Law, Article 9

Compute your license fee allocation percentage by dividing assets employed in New York State by total assets. Do not include cash or U.S. obligations as part of assets.

Schedule C – Foreign corporations taxable under Tax Law, Article 32

Add together business capital and subsidiary capital allocated to New York State and divide the result by total capital. Foreign corporations taxable under section 1452(a)(9), and foreign bank holding companies included in a combined return under section 1462(f), are required to compute the license fee allocation in the same manner as the issuer’s allocation percentage. The computation of the issuer’s allocation percentage is described in the instructions for Form CT-32, *Banking Corporation Franchise Tax Return*.

Signature

The return must be certified by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other officer authorized by the taxpayer corporation.

The return of an association, publicly traded partnership, or business conducted by a trustee or trustees must be signed by a person authorized to act for the association, publicly traded partnership, or business.

If an outside individual or firm prepared the return, all applicable entries in the paid preparer section must be completed, including identification numbers. Failure to sign the return will delay the processing of any refunds and may result in penalties. (For more information on paid preparer identification numbers, see *Changes for 2010* in Form CT-1.)



Up-to-date information affecting your tax return

Visit our Web site for the tax law changes or forms corrections that occurred after the forms and instructions were finalized (see *Need help?*).

Contents of this form

Form CT-1 contains both changes for the current tax year and general instructional information, serving as a supplement to corporation tax instructions.

This form contains information on the following topics:

- Changes for the current tax year (non-legislative and legislative)
- Business information (how to enter and update)
- Entry formats
 - Dates
 - Negative amounts
 - Percentages
 - Whole dollar amounts
- Third-party designee
- Use of reproduced and computerized forms
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Changes for 2010

Non-legislative changes

Web File — You can Web File Form CT-400, *Estimated Tax for Corporations*, on our Web site (see *Need help?*). You'll need to create an *Online Services* account or log into your existing one, and select the corporation tax estimated payment option.

You can also Web File the following extension requests:

- Form CT-5, *Request for Six-Month Extension to File (for franchise/business taxes, MTA surcharge, or both)*
- Form CT-5.4, *Request for Six-Month Extension to File New York S Corporation Franchise Tax Return*
- Form CT-5.9, *Request for Three-Month Extension To File (for Article 9 tax return, MTA surcharge, or both)*

Benefits of Web filing include:

- direct payment from your bank account or by ACH credit
- instant confirmation

For more information, visit our Web site and select the corporation tax Web File option.

Form CT-200-V, Payment Voucher for E-Filed Corporation Tax Returns and Extensions — This form is a payment voucher for taxpayers who e-file their forms but cannot e-pay and need to pay with a paper check or money order. Form CT-200-V is for use only for returns or extensions that were e-filed and should never accompany a paper-filed return.

Paid preparer identification numbers — New York State Tax Law requires certain paid tax return preparers and facilitators of refund anticipation loans (RALs) and refund anticipation checks (RACs) to register electronically with the Tax Department. For 2010, the paid preparer section on corporation tax forms has been updated accordingly. When completing this section, you must enter your New York tax preparer registration identification number (NYTPRIN) if you are required to have one. (Information on the New York State Tax Preparer Registration Program is available on our Web site (see *Need help?*.) In addition, you must enter your federal preparer tax identification number (PTIN) if you have one; if not, you must enter your social security number (SSN). (PTIN information is available at www.irs.gov.)

Legislative changes

Articles 9, 9-A, 13, 32, and 33

Chapter 242, Laws of 2010

Amended definition of tax return preparer under Tax Law, Article 1, section 32 — Enrolled agents, employees of enrolled agents, and those preparing returns under the supervision of enrolled agents are no longer included in the definition of *tax return preparer*.

Article 9

Chapter 57, Laws of 2010

Deferral of certain tax credits — For tax years beginning on or after January 1, 2010, and before January 1, 2013, if the total amount of certain credits that you may use to reduce your tax or have refunded to you is greater than \$2 million, the excess over \$2 million must be deferred to, and used or refunded in, tax years beginning on or after January 1, 2013. For more information about the credit deferral, refer to Form CT-500, *Corporation Tax Credit Deferral*, and its instructions.

Biofuel tax credit cap — For tax years beginning on or after January 1, 2010, partners in a partnership and shareholders of a New York S corporation will have the credit cap imposed at the entity level, so that the aggregate credit allowed to all partners or shareholders of these entities does not exceed \$2.5 million.

Empire Zones Program — Numerous amendments impacting the empire zone (EZ) and qualified empire zone enterprise (QEZE) tax credits were made. For more information on a specific amendment, refer to the credit claim form and instructions for each credit.

Article 9-A

Chapter 24, Laws of 2010

Transitional provisions for the Gramm-Leach-Bliley (GLB) Act extended — For tax years beginning on or after January 1, 2010, and before January 1, 2011, Tax Law, Article 32, sections 1452(m) and 1462(f)(2)(iv) have been amended to extend the transitional provisions relating to the GLB Act.

Chapter 57, Laws of 2010

Deferral of certain tax credits — For tax years beginning on or after January 1, 2010, and before January 1, 2013, if the total amount of certain credits that you may use to reduce your tax or have refunded to you is greater than \$2 million, the excess over \$2 million must be deferred to, and used or refunded in, tax years beginning on or after January 1, 2013. For more information about the credit deferral, refer to Form CT-500, *Corporation Tax Credit Deferral*, and its instructions.

Biofuel tax credit cap — For tax years beginning on or after January 1, 2010, partners in a partnership and shareholders of a New York S corporation will have the credit cap imposed at the entity level, so that the aggregate credit allowed to all partners or shareholders of these entities does not exceed \$2.5 million.

Qualified emerging technology company (QETC) facilities, operations, and training tax credit — For tax years beginning on or after January 1, 2010, partners in a partnership and shareholders of a New York S corporation will have the credit limit imposed at the entity level, so that the aggregate credit allowed to all partners or shareholders of these entities does not exceed \$250,000.

Empire Zones Program — Numerous amendments impacting the empire zone (EZ) and qualified empire zone enterprise (QEZE) tax credits were made. For more information on a specific amendment, refer to the credit claim form and instructions for each credit.

Empire State film production tax credit — Numerous amendments impacting the credit were made. For more information concerning the amendments, visit the Governor's Office for Motion Picture and Television Development Web site at www.nylovesfilm.com.

Empire State film post-production tax credit — Effective August 11, 2010, a new tax credit is available for the film and television post-production industry. The amount of credit allowed is allocated by the Governor's Office for Motion Picture and Television Development. For more information, refer to Form CT-261, *Claim for Empire State Film Post-Production Credit*, and its instructions.

Real estate investment trust (REIT)/regulated investment company (RIC) provisions made permanent — For tax years beginning on or after January 1, 2011, the REIT and RIC provisions enacted by Chapter 60 of the Laws of 2007, and as amended by Chapter 57 of the Laws of 2008, relating to the taxation of captive REITs and captive RICs that were due to expire, were made permanent.

Updated definition of captive REIT — For tax years beginning on or after January 1, 2010, Tax Law, Article 1, section 2.9 was amended to exclude certain entities from the definition of *captive REIT*. For the revised definition, refer to your franchise tax return instructions.

Clarifying New York source income — The Tax Law was amended to ensure that nonresident shareholders of an S corporation who make elections under either Internal Revenue Code (IRC) section 338(h)(10) or 453 are taxed in accordance with those elections and the transaction is treated as producing New York source income. Also, income received by nonresidents from installment sale contracts entered into before a New York S corporation terminates its taxable status in New York is New York source income.

Chapter 59, Laws of 2010

Excelsior Jobs Program tax credit — Approved participants in the program will be eligible for the Excelsior Jobs Program credit. Empire State Development (ESD) will issue a certificate of tax credit that must be submitted with the taxpayer's return to claim the credits. For more information, visit ESD's Web site at www.empire.state.ny.us and select *Business Programs*.

Chapter 297, Laws of 2010

Farmers' school property tax credit — For tax years beginning on or after January 1, 2011, the farmers' school property tax credit was amended to maintain eligibility for the credit when farmers receive payments for the sale of their development rights under the state's Farmland Protection Program. This change will allow payments from the Farmland Protection Program to be treated as excess gross income from farming.

Chapter 472, Laws of 2010

Tax credit for rehabilitation of historic properties — For tax years beginning on or after January 1, 2010, the credit for rehabilitation of historic properties has been amended to clarify current provisions and to make the credit available to banks and insurance companies.

Article 32

Chapter 24, Laws of 2010

Transitional provisions for the Gramm-Leach-Bliley (GLB) Act extended — For tax years beginning on or after January 1, 2010, and before January 1, 2011, Tax Law, Article 32, sections 1452(m) and 1462(f)(2)(iv) have been amended to extend the transitional provisions relating to the GLB Act.

Chapter 57, Laws of 2010

Deferral of certain tax credits — For tax years beginning on or after January 1, 2010, and before January 1, 2013, if the total amount of certain credits that you may use to reduce your tax or have refunded to you is greater than \$2 million, the excess over \$2 million must be deferred to, and used or refunded in, tax years beginning on or after January 1, 2013. For more information about the credit deferral, refer to Form CT-500, *Corporation Tax Credit Deferral*, and its instructions.

Elimination of bad debt modifications when computing entire net income — For tax years beginning on or after January 1, 2010, Article 32 was amended to eliminate the bad debt adjustments previously required by the Business Tax Reform and Rate Reduction Act of 1987 (see TSB-M-87(17)C, *Business Tax Reform and Rate Reduction Act of 1987 Article 32 - Franchise Tax on Banking Corporations*), and as amended by Chapter 411 of the Laws of 1996 (see TSB-M-96(1)C, *Important Notice: Summary of 1996 Corporation Tax Law Changes*).

Empire Zones Program — Numerous amendments impacting the empire zone (EZ) and qualified empire zone enterprise (QEZE) tax credits were made. For more information on a specific amendment, refer to the credit claim form and instructions for each credit.

Real estate investment trust (REIT)/regulated investment company (RIC) provisions made permanent — For tax years beginning on or after January 1, 2011, the REIT and RIC provisions enacted by Chapter 60 of the Laws of 2007, and as amended by Chapter 57 of the Laws of 2008, relating to the taxation of captive REITs and captive RICs that were due to expire, were made permanent.

Updated definition of captive REIT — For tax years beginning on or after January 1, 2010, Tax Law, Article 1, section 2.9 was amended to exclude certain entities from the definition of *captive REIT*. For the revised definition, refer to your franchise tax return instructions.

Clarifying New York source income — The Tax Law was amended to ensure that nonresident shareholders of an S corporation who make elections under either Internal Revenue Code (IRC) section 338(h)(10) or 453 are taxed in accordance with those elections and the transaction is treated as producing New York source income. Also, income received by nonresidents from installment sale contracts entered into before a New York S corporation terminates its taxable status in New York is New York source income.

Chapter 59, Laws of 2010

Excelsior Jobs Program tax credit — Approved participants in the program will be eligible for the Excelsior Jobs Program credit. Empire State Development (ESD) will issue a certificate of tax credit which must be submitted with the taxpayer's return to claim the credits. For more information, visit ESD's Web site at www.empire.state.ny.us and select *Business Programs*.

Chapter 67, Laws of 2010

Bank tax extender — For tax years beginning before January 1, 2011, certain provisions of the franchise tax on banking corporations have been extended.

Chapter 472, Laws of 2010

Tax credit for rehabilitation of historic properties — For tax years beginning on or after January 1, 2010, the credit for rehabilitation of historic properties has been amended to clarify current provisions and to make the credit available to banks and insurance companies.

Article 33

Chapter 57, Laws of 2010

Deferral of certain tax credits — For tax years beginning on or after January 1, 2010, and before January 1, 2013, if the total amount of certain credits that you may use to reduce your tax or have refunded to you is greater than \$2 million, the excess over \$2 million must be deferred to, and used or refunded in, tax years beginning on or after January 1, 2013. For more information about the credit deferral, refer to Form CT-500, *Corporation Tax Credit Deferral*, and its instructions.

Empire Zones Program — Numerous amendments impacting the empire zone (EZ) and qualified empire zone enterprise (QEZE) tax credits were made. For more information on a specific amendment, refer to the credit claim form and instructions for each credit.

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Updated definition of captive REIT — For tax years beginning on or after January 1, 2010, Tax Law, Article 1, section 2.9 was amended to exclude certain entities from the definition of *captive REIT*. For the revised definition, refer to your franchise tax return instructions.

Chapter 59, Laws of 2010

Excelsior Jobs Program tax credit — Approved participants in the program will be eligible for the Excelsior Jobs Program credit. Empire State Development (ESD) will issue a certificate of tax credit which must be submitted with the taxpayer's return to claim the credits. For more information, visit ESD's Web site at www.empire.state.ny.us and select *Business Programs*.

Chapter 472, Laws of 2010

Tax credit for rehabilitation of historic properties — For tax years beginning on or after January 1, 2010, the credit for rehabilitation of historic properties has been amended to clarify current provisions and to make the credit available to banks and insurance companies.

How to fill out your tax return

Business information

Enter the corporation's business information at the top of the first page. Be sure to enter the corporation's mailing name if different from its legal name.

If you need to update your corporation tax address or phone information, you can do so online. Visit our Web site (see *Need help?*) and look for the change my address option. Otherwise, enter your new address and/or phone number in the appropriate area of your return and mark an **X** in the box under the address. Do not mark an **X** in this box if your address and/or phone number

is new since your last filing but was already updated online, or for any change of business information other than your address and/or phone number. Once your corporation tax information is updated online, you do not need to indicate a change of address on any corporation tax forms submitted to the Tax Department (or for any forms for tax types you select to be updated in addition to corporation tax).

If you prefer to change your address by form, use Form DTF-96, *Report of Address Change for Business Tax Accounts*. You must report other changes (such as business name or ID number) on Form DTF-95, *Business Tax Account Update*. You can get these forms from our Web site, by fax, or by phone (see *Need help?*).

Entry formats

Entering dates — Unless you are specifically directed to use a different format, enter dates in the *mm-dd-yy* format (using dashes and not slashes).

Negative amounts — Show any negative amounts with a minus (-) sign.

Percentages — When computing percentages, convert decimals into percentages by moving the decimal point two spaces to the right. Round percentages to four decimal places.

Example: $5,000/7,500 = 0.6666666 = 6.6667\%$.

Whole dollar amounts — You may elect to show amounts in whole dollars rather than in dollars and cents. Round any amount from 50 cents through 99 cents to the next higher dollar. Round any amount less than 50 cents to the next lower dollar.

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 **print** 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, **print** the preparer's name in the space for the designee's name and enter the preparer's phone number in the space for the designee's phone number. You do not have to provide the other information requested. If you do not want to authorize another person, mark an **X** in the *No* box.

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, 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 change the PIN. The authorization will automatically end on the due date (without regard to extensions) for filing your next year's tax return.

Important reminder to file a complete return: You must complete all required schedules and forms that make up your return, and include **all pages** of those forms and schedules when you file. Returns that are missing required pages or that have pages with missing entries are considered incomplete and cannot be processed, and may subject taxpayers to penalty and interest.

Use of reproduced and computerized forms

Photocopies of returns are acceptable if they are of good quality and have an original signature in the proper place. We will accept computer-produced corporation tax returns if they meet our printing specifications. For more information, see Publication 76, *Specifications for Reproduction of New York State Corporation Tax Forms*.

General information

Collection of debts from your refund or overpayment

We will keep all or part of your refund or overpayment if you owe a past-due, legally enforceable debt to a New York State agency, or if you owe a New York City tax warrant judgment debt. We may also keep all or part of your refund or overpayment if you owe a past-due legally enforceable debt to another state, provided that state has entered into a reciprocal agreement with New York State. If we keep your refund or overpayment, we will notify you.

A New York State agency includes any state department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other entity performing a governmental or proprietary function for the state or a social services district. We will refund or apply as an overpayment any amount over your debt.

The Tax Department is authorized to charge the taxpayer, as part of the taxpayer's tax debt, any cost or fee imposed or charged by the United States, or any state, for the payment or remittance of a taxpayer's overpayment to satisfy a New York State tax debt.

If you have any questions about whether you owe a past-due, legally enforceable debt to a state agency, or to another state, or whether you owe a New York City tax warrant judgment debt, contact the state agency, the other state, or the New York City Department of Finance.

For New York State tax liabilities only, call (518) 457-5434 or write to: NYS Tax Department, Collections and Civil Enforcement Division, W A Harriman Campus, Albany NY 12227.

Fee for payments returned by banks

The law allows the Tax Department to charge a \$50 fee when a check, money order, or electronic payment is returned by a bank for nonpayment. However, if an electronic payment is returned as a result of an error by the bank or the department, the department won't charge the fee. If your payment is returned, we will send a separate bill for \$50 for each return or other tax document associated with the returned payment.

Tax shelter penalties

The Tax Law provides penalties for failure to disclose certain transactions and related information regarding tax shelters and for the underpayment of taxes due to participation in these shelters. For more information, refer to TSB-M-05(2)C, *Disclosure of Certain Transactions and Related Information Regarding Tax Shelters*.

Voluntary Disclosure and Compliance Program

The Voluntary Disclosure and Compliance Program provides relief from certain penalties and criminal prosecution to eligible taxpayers who come forward and reveal previously undisclosed liabilities. For more information, see TSB-M-08(11)C, *Voluntary Disclosure and Compliance Program*.

Your rights under the Tax Law

The Taxpayer Bill of Rights requires, in part, that the Tax Department advise you, in writing, of your rights and obligations during an audit, when you appeal a departmental decision, and when your appeal rights have been exhausted and you need to understand enforcement capabilities available to the department to obtain payment. For a complete copy of the information contained in all of these statements, you may obtain Publication 131, *Your Rights and Obligations Under the Tax Law*, by visiting our Web site or by calling (see *Need help?*).

Need help?



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



Telephone assistance is available from 8:30 A.M. to 4:30 P.M. (eastern time), Monday through Friday.

Corporation Tax Information Center: (518) 485-6027

To order forms and publications: (518) 457-5431



Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY): If you have access to a TTY, contact us at (518) 485-5082. If you do not own a TTY, 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, call the information center.

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 Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.