



Instructions for Form CG-80

Application for Registration as a Chain Store

Pursuant to Tax Law Article 20-A, Cigarette Marketing Standards Act

Businesses registered as chain stores by the Department of Taxation and Finance are permitted by law to purchase cigarettes at the chain store price, which is less than that normally paid by retailers. Applicants must submit a nonrefundable registration fee to:

NYS TAX DEPARTMENT
TTTB FACCTS - REGISTRATION AND BONDING UNIT
BUILDING 8
W A HARRIMAN CAMPUS
ALBANY NY 12227

This fee must be in the form of a bank check, certified check, money order, or other draft acceptable to the department, payable to:
Commissioner of Taxation and Finance.

If the only reason for filing Form CG-80 is additional locations or additional vending machines, no registration fee is required to be submitted with this application. However, you must also file Form DTF-716, *Application for Registration of Retail Dealers and Vending Machines for Sales of Cigarettes and Tobacco Products*, and submit the required fee(s) to register additional locations or vending machines. If you do not have a copy of the form, refer to the *Need Help?* box on back.

Before the department will register you as a chain store, you must submit the required documents and other information and you must meet the definition of one of the following:

- cooperative member,
- franchisee,
- vending machine operator,
- large volume outlet operator, **or**
- business with 15 or more retail outlets.

You may not buy cigarettes below the wholesale dealer-to-retail-dealer minimum price until you receive your chain store registration certificate.

Definitions

A *cooperative member* is any member of a cooperative (as defined by subdivision (c) of section 3 of the Cooperative Corporations Law) that operates a distribution center from which members purchase grocery products, including prepackaged food and non-food items such as paper products, soaps, and detergents for resale, **and** whose members sell cigarettes at retail through 15 or more separate establishments in New York State. In order to qualify as a *cooperative member* for the Cigarette Marketing Standards Act, a dealer must share in the profits and losses of the cooperative and must have purchased at least 25% of the merchandise, measured by price paid, that he or she purchased for resale during the preceding three months, excluding cigarettes and petroleum products, from the cooperative. Each individual applying for chain store status as a cooperative member must submit an application and pay the registration fee.

A *franchisee* is a person or persons (as defined in Article 33 of the General Business Law) selling cigarettes at retail whose retail establishment is operated under a contract or agreement by which the franchisee is granted the right to offer, sell, or distribute goods or services under a marketing plan or system substantially prescribed by the franchisor, or whose goods and services are substantially associated with the franchisor's trademark, trade name, or service mark, in exchange for which the franchisee is required to pay a franchise fee, **and** whose franchisor has at least 15 franchisees in New York State who sell cigarettes at retail. Each franchisee applying for chain store status must submit an application and pay the registration fee.

A person who, pursuant to agreement, is granted the right to use or occupy premises or facilities of a motor fuel distributor exclusively to sell motor fuels and related products at retail is not a franchisee for purposes of the Cigarette Marketing Standards Act. However, a

franchisee engaged in the retail sale of motor fuel and in the operation of a convenience store (that is, a mixed use gas station) may qualify for registration.

A *vending machine operator* is a business that sells cigarettes at retail through vending machines at no fewer than 15 separate marketing locations in New York State. In general, a building constitutes a marketing location. Machines located on different floors of the same building will be deemed to be located at the same marketing location, unless the floors are occupied by separate business entities.

A *large volume outlet operator* is any person or persons who sell cigarettes at one or more retail outlets located in New York State, each of which had annual gross sales in the previous calendar year of more than two million dollars, excluding petroleum products.

A *business with 15 or more retail outlets* is any person or persons who own or maintain 15 or more retail outlets through which cigarettes are sold at retail, provided such retail outlets are located in New York State and have a 100% common ownership. A *100% common ownership* means that in addition to being owned by the same person or persons, the proportionate ownership interests must be the same for each of the retail outlets.

Documentation requirements

The following information **must** be submitted with your application:

Cooperative members

- Proof of membership (for example, a copy of certificate of membership, certificate of stock, etc.);
- Name, business address, and federal employer identification number (FEIN) of the cooperative;
- A letter from the cooperative corporation of which the applicant is a member. The letter must be on its letterhead and list all members of the cooperative corporation that sell cigarettes at retail in New York State. Include the following information for each cooperative member:
 - legal name and business address;
 - trade name (if different);
 - FEIN;
 - New York State sales tax identification number;
 - date the member joined the cooperative; and
 - a copy of the cooperative agreement.

Franchisees

- Name, business address, and federal employer identification number (FEIN) of the franchisor; and
- A letter from the franchisor, on its letterhead, listing all franchisees that sell cigarettes at retail in New York State. Include the following information for each franchise listed:
 - legal name and business address;
 - trade name (if different);
 - FEIN;
 - New York State sales tax identification number; and
 - a copy of your franchise agreement.

Vending machine operators

- The business name and address of each location where the applicant sells cigarettes through vending machines;
- the number of cigarette vending machines at each location; and
- a copy of the New York State cigarette wholesale dealer license.

Large volume outlet operators

- A copy of the applicant's New York State sales tax return for the last four quarters. Corporations must also submit a copy of their most recent New York State corporate franchise tax return; and
- A statement listing gross sales volume for each qualified outlet (if the applicant has more than one outlet and files a consolidated sales tax return).

Do not list any retail outlet that did not have gross sales (excluding petroleum products) of more than two million dollars in the preceding calendar year. You may purchase cigarettes at the chain store price for sale only at the retail outlets listed.

Business with 15 or more retail outlets

- A listing of all retail outlets in New York State through which cigarettes are sold. Include the following information for each outlet:
 - legal name and business address of each outlet;
 - trade name (if different);
 - federal employer identification number (FEIN); and
 - New York State sales tax identification number.

Specific instructions

Mark an **X** in the appropriate box on the front page of Form CG-80 and complete all the numbered items. Attach additional sheets, if necessary, to fully answer all questions. If you need forms or information, call the Tax Department telephone numbers listed below.

Item 1 – Enter the exact legal name of your business. The legal name of a corporation is the name that appears on the certificate of incorporation. The legal name of an unincorporated business is the name in which the business owns property or acquires debt. The legal name of a partnership is the partnership name. The legal name of a sole proprietorship is the name of the individual owner of the business.

Item 2 – Enter the trade name, doing-business-as name (dba), or assumed name if different from item 1. For a corporation, this is the name that appears on the trade name certificate filed with the New York State Department of State. For an unincorporated business, this is the name filed with the county clerk's office under section 130 of the General Business Law.

Item 3 – Enter the actual street address where business is conducted. Do not enter a representative's address or a post office box number.

Item 6 – Enter the date you began the New York State business for which you are applying or the date that you expect to begin business. You may not purchase cigarettes as a chain store until you are properly licensed or registered under the Tax Law.

Item 7 – Enter your FEIN. If you do not have one, enter **N/A**.

Item 10 – Enter the mailing address (if different than your actual business location) where you want information from the Tax Department sent. A post office box or representative's address is acceptable.

Item 12 – Enter the required information for:

- All officers, directors, and shareholders who own or control (directly or indirectly) more than 10% of the voting stock (if 4 or fewer shareholders, list only those shareholders owning 25% or more of the voting stock). If the applicant is owned directly or indirectly by a corporation, provide a list of the individuals whose ownership of the corporation equals more than 10% (or 25% or more if 4 or fewer shareholders).
- All partners; identify general partners as **GP** after their names, and limited partners as **LP**.
- The sole proprietor.

Item 13 – Enter the percentage of voting stock held by shareholders other than those listed in item 12. The total sum of the percentages listed in items 12 and 13 must equal 100%.

Item 16 – If **Yes**, complete the information for the applicant, the person listed in item 12 or business listed in item 14. Include crimes committed in other states and countries. You may exclude information on traffic violations not related to the transportation of cigarettes or tobacco products.

Item 19 – Enter the name and address of each of the cigarette suppliers from whom you will be purchasing cigarettes.

Item 20 – If you are applying as a cooperative member, you must have purchased at least 25% of your merchandise (excluding cigarettes and petroleum products) from the cooperative during the preceding three months.

Item 21 – If you are applying as a cooperative member, you must share in the profits and losses of the cooperative to register as a chain store.

Item 22 – Any outlet that did not have gross sales (excluding petroleum products) greater than two million dollars cannot be included in your registration as a chain store.

Note: If you answer **No** to items 20, 21, or 22, you do not meet the definition of *cooperative member* (Items 20 and 21) or large volume outlet operator (Item 22). You will **not** be allowed to register as a chain store under those definitions.

Certification:

This application must be signed by the owner, partner, shareholder, director, or corporate officer assuming responsibility for the validity of the business information contained in the application. All applications must be signed or they will be returned.

Registration certificates will be sent by first class mail. However, for expedited mailing, you may provide a prepaid, self-addressed express envelope.

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.

Need help?



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



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



Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications: 1 800 462-8100

Business Tax Information Center: 1 800 972-1233

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 (8:00 A.M. to 5:00 P.M. eastern time).



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 1 800 972-1233.