

Additional Guidance Relating to the New Requirement for the Filing of Information Returns for Insurers of Motor Vehicles

Introduction

This memorandum provides additional guidance relating to the new requirement for the filing of information returns for insurers of motor vehicles. It supplements previously issued TSB-M-09(8)S, *New Requirement for the Filing of Information Returns for Insurers of Motor Vehicles*.

Extension of time to file the first information return

If an insurer of motor vehicles is unable to obtain or compile the required information by the due date of the first information return (September 21, 2009), the motor vehicle insurer may apply electronically for an automatic 90-day extension of time to file that return. The application for the extension must be made on or before September 21, 2009, to extend the due date of the first information return to December 21, 2009. The application will be made available on the Tax Department's Web site during the week of September 1, 2009. For additional information on how to apply for an extension, go to the department's Web site at www.nystax.gov.

Waiver of penalties in certain cases

In some cases, the motor vehicle insurer must obtain information for the return (e.g., the vendor's legal entity name) from a vendor located in New York to whom it has made payment for the service or repair of motor vehicles on behalf of an insured person or entity. If it is subsequently determined that the information obtained from the vendor is incorrect, the department will waive the penalty for failure to provide information that is true and correct if the insurer did not know or have reason to know that the information was not true and correct.

Modification of requirement to submit information relating to Certificate of Authority number(s) and Department of Motor Vehicles Facility number(s)

TSB-M-09(8)S required motor vehicle insurers to report the "vendor's New York State Sales Tax Certificate of Authority number(s)" and "New York State Department of Motor Vehicles (DMV) Facility number(s)" for each vendor to whom it has made a payment for the servicing or repair of a motor vehicle on behalf of an insured. However, it is now the department's position that reporting Certificate of Authority number(s) and DMV facility number(s) is required only if the information is made available to the insurer. Since this information is not required for the first information return, the new rule will apply to any subsequent reporting periods.

Future updates and additional information

Any future updates and additional information regarding these information returns will be available on the Tax Department's Web site at www.nystax.gov.

NOTE: A TSB-M is an informational statement of existing department policies or of changes to the law, regulations, or department policies. It is accurate on the date issued. Subsequent changes in the law or regulations, judicial decisions, Tax Appeals Tribunal decisions, or changes in department policies could affect the validity of the information presented in a TSB-M.