



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, 2003, through February 29, 2004

Highlights for this reporting period

- **Please note:** Several tax rate changes (described below) became effective during this year. Whenever a sales and use tax rate changes, the corresponding jurisdictional reporting 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, 2003**, the combined state and local tax rate imposed in **Niagara County** increased to 8%. See ST-03-1, *Niagara County Sales and Use Tax Rate Increase Effective March 1, 2003*, for more information.
- Effective **March 1, 2003**, **Dutchess County** enacted the exemption from its local tax for sales of clothing and footwear costing less than \$110 per item. Also effective **March 1, 2003**, **Tompkins County**, **Rockland County**, and the **city of Ithaca** each repealed the exemption from their local tax for sales of clothing and footwear costing less than \$110 per item. See Notice TP-817, *Important Information Regarding Locality Changes Effective March 1, 2003, Related to New York State and Use Tax Exemption for Clothing and Footwear*, for more information.
- New York State enacted legislation to increase the state sales and use tax rate. **Effective June 1, 2003, the state sales and use tax rate increased to 4¼%.** See N-03-13, *New York State Sales and Use Tax Rate Increase Effective June 1, 2003*, for more information.
- Effective **June 1, 2003**, the following localities increased their local tax rates:
 - **Dutchess County** — see ST-03-2, *Dutchess County Sales and Use Tax Rate Increase Effective June 1, 2003*.
 - **City of Fulton** — see ST-03-3, *City of Fulton Sales and Use Tax Rate Increase Effective June 1, 2003*.
 - **Livingston County** — see ST-03-4, *Livingston County Sales and Use Tax Rate Increase Effective June 1, 2003*.
 - **Schenectady County** — see ST-03-5, *Schenectady County Sales and Use Tax Rate Increase Effective June 1, 2003*.
 - **Montgomery County** — see ST-03-6, *Montgomery County Sales and Use Tax Rate Increase Effective June 1, 2003*.
 - **Sullivan County** — see ST-03-7, *Sullivan County Sales and Use Tax Rate Increase Effective June 1, 2003*.
- Effective **June 4, 2003**, the combined state and local tax rate imposed in **New York City** increased to 8½%. See ST-03-8, *New York City Sales and Use Tax Rate Increase Effective June 4, 2003*, for more information.
- New York State enacted legislation that amends the sales and use tax exemption for clothing, footwear, and items used to make or repair such clothing, costing less than \$110 per item. Beginning **June 1, 2003**, and ending May 31, 2004, vendors must collect and remit the total New York State and local sales

and use taxes on sales of clothing, footwear, and items used to make or repair such clothing, regardless of the price. Two seven-day exemption periods have also been enacted: Tuesday, August 26, 2003, through Monday, September 1, 2003; and Monday, January 26, 2004, through Sunday, February 1, 2004.

- Effective **September 1, 2003**, the tax rates on receipts from the services of transportation, transmission, or distribution of gas or electricity purchased from someone other than the vendor of the gas or electricity were eliminated. For vendors who file Forms ST-101.3 and ST-101.3-ATT (Annual Schedules B and B-ATT), this year's schedules reflect the final step of a four-year phaseout of state and local sales taxes on these transportation and distribution services.
- Effective **September 1, 2003**, **New York City** enacted legislation to increase its local sales and use tax rate on the sales of selected services in New York City. See ST-03-9, *New York City Sales and Use Tax Rate Increase for Sales of Selected Services Effective September 1, 2003*, for more information.
- Effective **September 1, 2003**, the combined state and local tax rate imposed in **Yates County** increased to 8¼%. See ST-03-10, *Yates County Sales and Use Tax Rate Increase Effective September 1, 2003*, for more information.
- Effective **September 1, 2003**, the **Board of Education of the Enlarged Troy City School District** passed a resolution that imposed a 2% sales tax on consumer utilities. See ST-03-11, *Change in Local Sales and Use Tax Within the Troy City School District Effective September 1, 2003*, for more information.
- Effective **December 1, 2003**, the following localities increased their local tax rates:
 - **Otsego County** — see ST-03-12, *Otsego County Sales and Use Tax Rate Increase Effective December 1, 2003*.
 - **Tioga County** — see ST-03-13, *Tioga County Sales and Use Tax Rate Increase Effective December 1, 2003*.
 - **Delaware County** — see ST-03-14, *Delaware County Sales and Use Tax Rate Increase Effective December 1, 2003*.
- The North American Industry Classification System (NAICS) is the new standard code system to describe business establishments and industries, replacing the Standard Industrial Classification (SIC) codes. The Tax Department now requires this information; see page 4, *NAICS Code*, under 2.
- If your return is filed late or if any tax due is not fully paid, you will be liable for penalty and interest. Additional information on penalty and interest has been incorporated into these instructions. Please see page 3, 2, *Determine penalty and interest*.

The New York State Tax Department is dedicated to answering your questions. Please call our Business Tax Information Center at 1 800 972-1233 for assistance. For updated tax news, downloadable forms, links to related sites, and other information, visit our Web site at www.nystax.gov.



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 1 800 972-1233 immediately to change to quarterly or monthly filing status and to obtain the necessary forms.



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 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 the front of the return.

Instructions

**Entries in these examples are fictional.
Do not use these figures when completing your return.**

No tax due?	Check the box to the right and complete Step 1; in Step 3 on page 5, enter none in boxes 13, 14, and 15; and complete Step 9. You must file by the due date even if no tax is due. There is a \$50 penalty for late filing of a no-tax-due return. See 1 in instructions. <input type="checkbox"/>
Multiple locations?	If you are reporting sales tax for more than one business location and your identification number does not end in C, check the box to the right and attach a list of your locations. <input type="checkbox"/>
Final return?	Check the box to the right if you are discontinuing your business and this is your final return; complete this return and the back of your <i>Certificate of Authority</i> . Attach the <i>Certificate of Authority</i> to the return. See 2 in instructions. <input type="checkbox"/>
Has your address or business information changed?	If so, check the box to the right and enter new mailing address on preprinted label above. See 3 in instructions. <input type="checkbox"/>

1 No tax due?

You must file a return even if you had no taxable sales and made no purchases subject to tax. Check the box, enter your gross sales and services in box 1, and write **none** in boxes 13, 14, and 15 on page 5, 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, check 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, enter your correct address on the label we provided. If you need to change your address for other New York taxes, or change other business information such as the name, ID number, physical address, owner/officer information, or paid preparer address, complete and send in Form DTF-95, *Business Tax Account Update*. If only your address has changed, you may use Form DTF-96, *Report of Address Change for Business Tax Accounts*. Obtain forms through fax-on-demand, Internet access, or call one of the telephone assistance numbers listed in the *Need help?* section on page 8.

Step 1 of 9 Gross sales and services	Enter total gross sales and services in box 1 4 3,938 .00
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Do not include sales tax in the gross sales and services amount. See **4** in instructions.

Step 2 of 9 Identify required schedules Check the box(es) on the right below, then complete the schedule(s) if necessary and proceed to Step 3. **Need to obtain schedules?** See *Need help?* on page 8 of this form.

Annual schedule	Description	Check the box for each schedule you are attaching
<input type="checkbox"/>	Use Form ST-101.2, <i>Annual Schedule A</i> , to report tax and taxable receipts from sales of food and	<input type="checkbox"/>

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*.

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 the front of Form ST-101. For more detailed information, see the specific schedule. Check the appropriate box on page 1 of Form ST-101 for any schedules you

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

If you are filing Form ST-101.4, *Annual Schedule NJ*, or Form ST-101.11, *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 used by those taxpayers registered in the New Jersey/New York reciprocal tax agreement to report sales subject to New Jersey tax.

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

Step 3 of 9 Calculate sales and use taxes			Column C	Column D	Column E	Column F
Refer to instructions (Form ST-101-I) if you have questions or need help.			Taxable sales and services	Purchases subject to tax	Tax rate =	Sales and use tax (C + D) x E
Enter total from Form ST-101.10 (if any) in box 2 FR 6						
Enter totals (if any) from: A + B + B-ATT + H + N + Q + T + T-ATT = 3			1000 .00	0.00		182.50
Column A	Column B		8	9	10	11
Taxing jurisdiction	Jurisdiction code					
New York State only (3/1/03 - 5/31/03)	NE 0002	7			4%	
New York State only (6/1/03 - 2/29/04)	NE 0011		1549 .00	0.00	4%	65.83
New York State/MCTD (fuel and utilities) (3/1/03 - 5/31/03)	NE 8040		.00	.00	4%	
New York State/MCTD (fuel and utilities) (6/1/03 - 2/29/04)	NE 8041		.00	365.00	4%	16.43
New York City — local tax only (3/1/03 - 6/3/03)	NE 8010	9a	.00	.00	4%	
New York City — local tax only (6/4/03 - 2/29/04)	NE 8021	9b	.00	.00	4%*	
New York City local tax only (transportation and delivery of gas and electricity (3/1/03 - 6/3/03))	NE 8016	9c	.00	.00	1%	
New York City local tax only (transportation and delivery of gas and electricity (6/4/03 - 8/31/03))	NE 8031	9d	.00	.00	1%*	
12 Column subtotals from page 2, boxes 6a, 7a, and 8a:			10a 2549 .00	11a 0.00		12a 248.33
Column subtotals from page 3, boxes 6b, 7b, and 8b:			10b .00	11b .00		12b .00
Column subtotals from page 4, boxes 6c, 7c, and 8c:			10c .00	11c .00		12c .00
If box 15 is more than \$3,000, see page 1 of instructions.			13	14		15
Column totals:			2549 .00	365.00		264.76

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 **12c** 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.

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.

11 Column F — Sales and use taxes

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) x E = F.

This result may be a net credit, which you should identify by enclosing it in parentheses. **Note:** Any net credits should be subtracted when totaling the column.

12 Column totals

a. On pages 2, 3, and 4, separately subtotal Column C, Column D, and Column F. Include the amounts from schedules, listed in boxes 2, 3, 4, and 5, when subtotaling each column on page 2. Transfer the column subtotal amounts to page 5, boxes 10a, 10b, 10c, 11a, 11b, 11c, 12a, 12b and 12c, respectively.

b. On page 5, separately total Column C (box 13), Column D (box 14), and Column F (box 15). Include the column subtotals from pages 2, 3 and 4 when totaling each column. Enter the box 15 amount in Step 6.

c. 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 in parentheses. 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 5.

6 Calculate sales and use taxes

If you are filing Form ST-101.10, enter the amount from box 9 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

For the period March 1, 2003, through May 31, 2003, use the *New York State/MCTD 4½% tax rate line* to report purchases of fuel and utility services subject to sales tax at 8¼%, for which you paid 4% New York City tax. For the period June 1, 2003, through February 29, 2004, use the *New York State/MCTD 4½% tax rate line* 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*.

For the period March 1, 2003, through June 3, 2003, 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 rate lines. Use the *New York City — local tax only 4½% tax rate line* to report these sales for the period June 4, 2003, through February 29, 2004.

For the period March 1, 2003, through June 3, 2003, use the *New York City — local tax only 1% tax rate line* to report sales of the service of transportation and delivery of gas and electricity used in the production of gas, electricity, refrigeration, and steam for sale. Use the *New York City — local tax only 1½% tax rate line* for the period June 4, 2003, through August 31, 2003, for reporting these sales.

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, enter it in parentheses. 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.

Step 4 of 9 Calculate special taxes	Internal code	Column G Taxable receipts	Column H Tax rate	Column J Special taxes due (G x H)
Passenger car rentals 13	PA 0003	.00	5%	
Information & entertainment services furnished via telephony and telegraphy	IN 7009	310 .00	5%	14 15 50
Total special taxes:				16 15 50

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 Add the two lines in Column J and enter the total in box 16. Also enter the box 16 amount in Step 6.

Step 5 of 9 Calculate tax credits and advance payments	Internal code	Column K Credit amount
Credit for prepaid sales tax on cigarettes 15	CR C8888	
Credits against sales or use tax (see 16 in instructions) 16	C	
Advance payments (made with Form ST-330) 17	A	63 50
Unclaimed vendor collection credit (attach Form TR-912) 18	UN 7802	19 25 00
Total tax credits and advance payments:		17 88 50

• 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.

19 Total tax credits and advance payments
Add Column K and enter the total in box 17. Also enter the box 17 amount in Step 6.

Calculate tax credits and advance payments

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).

Step 6 of 9 Calculate taxes due	Add Sales and use tax column total (box 15) to Total special taxes (box 16) and subtract Total tax credits and advance payments (box 17).	Taxes due
Box 15 amount \$ 321.93	+ Box 16 amount \$ 15.50	= 18 248 93
	- Box 17 amount \$ 88.50	

20 Calculate taxes due
Enter the amounts from box 15, *Sales and use taxes*; box 16, *Total special taxes*; and box 17, *Total tax credits and advance payments*, in the appropriate spaces. Add boxes 15 and 16, and subtract box 17. Enter the result in box 18.

Step 7 of 9 Calculate vendor collection credit or pay penalty and interest	You are eligible for the vendor collection credit ONLY if you file by March 22, 2004, and you pay the full amount due with the return. If you are not eligible, enter "0" in box 19 and go to 7C.
Note: See page 7, <i>Vendor collection credit calculation worksheet</i> , to determine the vendor collection credit amount, if any, for which you are eligible.	
7A Vendor collection credit for March through May (from page 7, <i>Vendor collection credit calculation worksheet, Section 1, Part 3, box 12</i>)	40 00
7B Vendor collection credit for June through February (from page 7, <i>Vendor collection credit calculation worksheet, Section 2, Part 3, box 25</i>)	65 83
Total vendor collection credit (add 7A and 7B and enter the result or \$150, whichever is less)	
	19 105 83
OR Pay penalty and interest if you are filing late	Penalty and interest
7C Penalty and interest are calculated on the amount shown in box 18, <i>Taxes due</i> . See 22 on page 3 in the instructions.	20

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 18, *Taxes due*. **The minimum penalty for late filing is \$50.** For penalty information, see *Penalty computation* on page 4. 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.

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 www3.tax.state.ny.us/PAIC/PAICHomeServlet to estimate your penalty and interest. Enter this amount in box 20.

Calculate vendor collection credit or pay penalty and interest

21 Vendor collection credit
The Tax Law provides you with a credit for your collection of state sales tax from your customers. You may not include in the credit computation any use tax paid or any local tax collected. The maximum vendor collection credit you can claim on your return is \$150.

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 19 and go to Step 7C.

If you qualify, calculate your vendor collection credit in Step 7. If the result is less than \$150, enter the result in box 19. If the result is equal to or more than \$150, enter only \$150 in box 19.

Complete the *Vendor collection credit calculation worksheet* on page 7, using the figures from the return and schedules as indicated.

7A — For the period March 1, 2003, through May 31, 2003, enter the appropriate amount from the vendor collection credit worksheet on page 7 of the return.

7B — For the period June 1, 2003, through February 29, 2004, enter the appropriate amount from the vendor collection credit worksheet on page 7 of the return.

Step 8 of 9 Calculate total amount due	Make check or money order payable to New York State Sales Tax . Write on your check your sales tax ID#, ST-101 , and Fiscal Year 2004 .	Total amount due
Final calculation:	Taking vendor collection credit? Subtract box 19 from box 18. Paying penalty and interest? Add box 20 to box 18.	23 246 03

23 Calculate total amount due

If you were eligible for and claimed the vendor collection credit in Step 7, subtract the box 19 credit amount from box 18 (*Taxes due*) and enter the result.

If you are filing late and you entered penalty and interest in box 20, add box 20 to box 18 (*Taxes due*) and enter the result.

If you are not claiming the vendor collection credit and not entering penalty and interest, enter the box 18 amount as your *Total amount due*.

Payment information

If you do not file Form ST-101.4 or Form ST-101.11, make your check or money order for the *Total amount due* payable to **New York State Sales Tax**. If you are filing Form ST-101.4 or

Form ST-101.11, 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#, **Form ST-101**, and **Fiscal Year 2004**. 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 by Retail Service Stations.*
- **Form FT-1007**, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold by 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 of 9 Sign and mail this return <i>Please be sure to keep a completed copy for your records.</i>	Must be postmarked by Monday, March 22, 2004 , to be considered filed on time. See below for complete mailing information.	New: Please enter code below (<i>see instructions</i>).												
Printed name of taxpayer _____ Title _____	Daytime telephone () _____	<table border="1"> <tr> <td colspan="6">North American Industry Classification System (NAICS)</td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td> </tr> </table>	North American Industry Classification System (NAICS)											
North American Industry Classification System (NAICS)														
Signature of taxpayer 24 _____ Date _____														
Printed name of preparer, if other than taxpayer _____														

24 Sign and mail this return

Signatures required

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

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.

NAICS Code

To the right of signature lines, enter the six-digit code from Publication 910, *NAICS Codes for Principal Business Activity for New York State Tax Purposes*, that best matches your primary business activity.



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 6 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 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 CHASE
LOCKBOX
4 METROTECH CENTER - 8TH FLOOR WEST
BROOKLYN NY 11245

Penalty computation

- A** For failure to file a return on time with **no tax due**, the penalty is \$50.
- B** For failure to file a return on time **with tax due**, the penalty is:
For 1-60 days late, 10% (.10) 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% (.10) of the tax due for the first month plus 1% (.01) of the tax due for each month thereafter, not to exceed 30% (.30); or
 - the lesser of \$100 or 100% (1.00) of the tax due, but not less than \$50.
- C** For failure to pay tax, even though the return is filed on time, the penalty is 10% (.10) 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% (.30).

Need help?



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



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



Hotline for the hearing and speech impaired:

If you have access to a telecommunications device for the deaf (TDD), contact us at 1 800 634-2110. If you do not own a 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 1 800 972-1233.



If you need to write, address your letter to:

NYS TAX DEPARTMENT
BUSINESS TAX INFORMATION 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.