



# ST-810 Quarterly Instructions

## Instructions for Form ST-810 New York State and Local Quarterly Sales and Use Tax Return for Part-Quarterly Filers

For tax period:

**December 1, 2004, through February 28, 2005**

- Effective **December 1, 2004**, the combined state and local tax rate imposed in Allegany County increased to 8¾%. See ST-04-14, *Allegany County Sales and Use Tax Rate Increase Effective December 1, 2004*, for more information.
- Due to legislation enacted on August 20, 2004, vendors who sell clothing, footwear, or items used to make or repair clothing must continue to collect and remit New York State and local sales taxes on all of these items **until June 1, 2005**.

A one-week temporary exemption period from state and local taxes has also been enacted. The exemption begins **Monday, January 31, 2005**, and ends **Sunday, February 6, 2005**.

- Effective **March 1, 2005**, any affiliated troop of the Girl Scouts of the USA or Boy Scouts of America may begin using its council's *Exempt Organization Certificate* to make tax exempt purchases. While any individual troop's exempt purchase certificate that you already have on file will remain valid, once a troop presents you with its council's certificate you may destroy the troop's old certificate.
- You may no longer make tax exempt sales to the **Rabbi Meir Kahana Memorial Fund** by accepting or relying on an exempt purchase certificate from this organization. The *Exempt Organization Certificate* of this organization has been revoked pursuant to section 27 of the New York State Tax Law. See Publication 845, *Revocation of Tax Exempt Status of Identified Terrorist Organizations*, for additional information.
- If you file single pages (e.g., printed from Web site), please also enter your sales tax identification number at the top of each page where space is provided in addition to the first page.
- The North American Industry Classification System (NAICS) is the standard code system to describe business establishments and industries, replacing the Standard Industrial Classification (SIC) codes. **If you have provided your NAICS information in the past two years, you do not need to do so again**; otherwise, please select 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 (see *Need help?* on page 4). Enter this six-digit code on Form ST-810, page 4, in Step 9.

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](http://www.nystax.gov)



**Please read this section before completing your return.**

### Filing requirements

**Monthly filing:** If your combined total of taxable receipts, purchases subject to tax, rents, and amusement charges is **\$300,000 or more in a quarter**, or if you are a distributor as defined under Article 12-A and you have sold a total of 100,000 gallons or more of motor fuel or diesel motor fuel (taxable or nontaxable), you must file monthly returns beginning with the first month of the next sales tax quarter. You must then continue to file monthly returns until you no longer meet the above conditions for four consecutive quarters. Call 1 800 972-1233 immediately to change to monthly filing status and to obtain the necessary forms.

**Importers and others registered under Article 12-A as distributors of motor fuel or diesel motor fuel:** Do not include on this return (Form ST-810), or on the part-quarterly returns (Form ST-809), any amounts reported on Form FT-945/1045, *Report of Sales Tax Prepayment on Motor Fuel/Diesel Motor Fuel*.

**Quarterly filing:** If you are presently required to file part-quarterly (monthly) returns and

Web site address: [www.nystax.gov](http://www.nystax.gov)

- your total taxable receipts, purchases subject to tax, rents, and amusement charges amounted to less than \$300,000 in every one of the last four quarters, **or**
- you are a distributor as defined under Article 12-A selling motor fuel or diesel motor fuel, and you sold less than 100,000 gallons in every one of the last four quarters,

you may request conversion to quarterly filing.

To change your filing period, contact the Business Tax Information Center; see *Need help?* on page 4. If you fail to file a return on time, you may be subject to penalty and interest charges.

### Preadressed labels

Place the enclosed peel-and-stick preaddressed label in the appropriate section on the front of the return. If you are filing single pages (e.g., printed from Web site), please **also** enter your sales tax identification number at the top of each page where space is provided. Be sure to include your identification number and name on the front of any schedules you may be required to file, and if filing single pages also enter your sales tax identification number at the top of each page where space is provided.

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. If filing single pages, please also enter your sales tax identification number at the top of each page where space is provided.

Need help? Call 1 800 972-1233

To order forms, call 1 800 462-8100

# Instructions

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

<b>No tax due?</b>	If so, check the box to the right and complete Step 1; in Step 3 on page 3, enter <i>none</i> in boxes 13, 14, and 15; and complete Step 9. You <b>must</b> file by the due date even if no tax is due. <b>There is a \$50 penalty for late filing of a no-tax-due return.</b> See ❶ in instructions. ... <input type="checkbox"/>
<b>Multiple locations?</b>	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"/>
<b>Final return?</b>	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 ❷ in instructions. .... <input type="checkbox"/>
<b>Has your address or business information changed?</b>	If so, check the box to the right and enter new mailing address on preprinted label above. See ❸ in instructions. .... <input type="checkbox"/>

## ❶ 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 3, Step 3. Then go to Step 9.

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

## ❷ 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-810. (If you are unable to return your certificate, attach an explanation.)

## ❸ 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 4.

<b>Step 1 of 9 Gross sales and services</b>	Enter total gross sales and services in box 1	➔	❹	3,938.00
---	---	---	---	----------

**Do not include sales tax in the gross sales and services amount. See ❹ in instructions.**

<b>Step 2 of 9 Identify required schedules</b>	Check the box(es) on the right below, then complete the schedule(s) if necessary and proceed to Step 3. <b>Need to obtain schedules?</b> See <i>Need help?</i> on page 4 of Form ST-810-I, <i>Instructions for Form ST-810</i> .	
Quarterly schedule	Description	Check the box for each schedule you are attaching
<input checked="" type="checkbox"/> SCHEDULE	Use Form ST-810.2, <i>Quarterly Schedule A for Part-Quarterly Filers</i> , to report tax and taxable receipts from sales of food and drink (restaurant meals, takeout, etc.) and from hotel/motel room occupancy in Nassau or Niagara	<input type="checkbox"/>

## ❹ Enter gross sales and services

Enter the total taxable, nontaxable, and exempt sales and services 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-810.10, *Quarterly Schedule FR for Part-Quarterly Filers*.

## ❺ Identify required schedules

Determine which schedules, if any, you are required to complete and file with Form ST-810. Brief descriptions of schedules A, B, FR, H, N, P, Q, and T are included on the front of Form ST-810. For more detailed information, see the specific schedule. Check the appropriate box on page 1 of Form ST-810 for any schedules you are required to file.

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

If you are filing Forms ST-810.4, *Quarterly Schedule NJ for Part-Quarterly Filers*, or *OS-114 Schedule CT*, (formerly Form ST-810.11, *Monthly Schedule CT*), or both, **do not** enter the sales information from the schedules onto Form ST-810, but **do** include the amount of tax due to New Jersey and Connecticut, along with the amount due from Form ST-810, in your check or money order.

**Form ST-810.4** is used by those taxpayers registered in the New Jersey/New York reciprocal tax agreement to report sales subject to New Jersey tax.

**Form OS-114 Schedule CT** is a Connecticut form used by those New York State taxpayers registered in the Connecticut/New York reciprocal tax agreement to report sales subject to Connecticut tax.

<b>Step 3 of 9 Calculate sales and use taxes</b>		Column C	+	Column D	×	Column E	=	Column F
Refer to instructions (Form ST-810-I) if you have questions or need help.		Taxable sales and services		Purchases subject to tax		Tax rate		Sales and use tax (C + D) × E
Enter total from Form ST-810.10 (if any) in box 2		FR	❻				❼	
Enter any totals from:		A + B + B-ATT + H + N + Q + T + T-ATT =	❼				❼	❽
			1000.00	0.00				182.50
<b>Column A Taxing jurisdiction</b>		<b>Column B Jurisdiction code</b>	❽	❾	❿			⓫
New York State only		NE 0011	.00	.00	4¼%			
Albany County		AL 0171	1549.00	0.00	8¼%			127.79
<b>Taxes in New York City (see ❷ in instructions)</b>								
New York City/State combined tax		NE 8011	.00	.00	8%*			
New York State/MCTD (fuel and utilities)		NE 8041	.00	365.00	4¼%			16.43
New York City - local tax only (enter box 9 amount in Step 7B)		NE 8021	.00	.00	4¼%*			
			.00	.00				
<b>❿ Column subtotals from page 2, boxes 6, 7, and 8:</b>			2549.00	0.00				310.29
			13	14			15	
<b>Column totals:</b>			2549.00	365.00				326.72
<b>13</b>								
<b>14</b>								
<b>15</b>								
<b>12</b>								
<b>Credit summary</b> — Enter the total amount of credits claimed in Step 3 above, and on any attached schedules (see 12 c).								

## ❻ Calculate sales and use taxes

If you are filing Form ST-810.10, enter the amount from box 2 on that schedule in box 2 on page 2 of Form ST-810.

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-810. (Do not include amounts from schedules CT and NJ.)

## ❼ Columns A & B – Taxing jurisdiction and code

Report each sale of property and services, and each purchase subject to tax, for the jurisdiction 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** [includes counties of Bronx, Kings (Brooklyn), New York (Manhattan), Queens, and Richmond (Staten Island)]

Use the *New York State/MCTD 4¼%* 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-810.3, *Quarterly Schedule B for Part-Quarterly Filers*.

Use the *New York City - local tax only 4¼%* 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 8¼%* tax rate line.

## ❽ 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.

**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 12 c for information about documenting any credits claimed.**

## ❾ 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.

## ❿ Column E – Tax rate

Tax rates for the period are printed in Column E in percentage formats.

## ⓫ 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) × 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 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 10, 11, and 12, respectively.

b. On page 3, separately total Column C (box 13), Column D (box 14), and Column F (box 15). Include the column subtotals from page 2 (entered in boxes 10, 11, and 12) 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-810.10). 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 3.

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 <b>13</b>	PA 0003	.00	5%	
Information & entertainment services furnished via telephony and telegraphy	IN 7009	310.00	5%	<b>14 15 50</b>
		<b>Total special taxes:</b> <b>16 15 50</b>		

**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 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 <b>15</b>	CR C8888	
Credits against sales or use tax <b>16</b> (see 16 in instructions)	C	
Advance payments (including ST-809 and PrompTax payments) <b>17</b> (see 17 in instructions)	A	<b>63 50</b>
Unclaimed vendor collection credit (attach Form TR-912) <b>18</b>	UN 7804	<b>25 00</b>
		<b>Total tax credits and advance payments:</b> <b>19 88 50</b>

**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 period 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).

- Credit for additional tax paid on property incorporated into realty according to a preexisting lump sum or unit price construction 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 remitted on part-quarterly sales tax returns (Form ST-809; no receipts required) and any advance payments (including PrompTax payments; see Schedule P, line 4).

**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.

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).			20 Taxes due
Box 15 amount \$ <b>326.72</b>	+	Box 16 amount \$ <b>15.50</b>	=	Box 17 amount \$ <b>88.50</b>
				<b>18 253 72</b>

**20 Calculate taxes due**

Enter the amounts from box 15, *Sales and use tax*; 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 vendor collection credit ONLY if you file by March 21, 2005, and you pay the full amount due with the return. If you are not eligible, enter 0 in box 19 and go to 7D.		
<b>7A</b> If you are not required to file any schedules, start at the asterisk (*) in 7B.	<b>7B</b> Schedule FR, Step 3, box 7		
Schedule B, Part 4, box 3	* Form ST-810, page 3, box 13	+	<b>2549.00</b>
Schedule B-ATT		+	<b>300.00</b>
Schedule H		+	
Schedule N		+	
Schedule Q		+	<b>75.00</b>
Schedule T-ATT		+	
<b>Total adjustment</b>		=	<b>375.00</b> <b>21</b>
<b>7C</b> Eligible sales amount from 7B above	State tax rate	Credit rate	<b>Vendor collection credit VE 7704</b>
\$ <b>2174.00</b>	x 4 1/4% = \$ <b>92.40</b>	x 3 1/2% = \$ <b>3.23</b> **	<b>19 3 23</b>
** In box 19, enter the amount calculated, but not more than \$150			
<b>OR</b> <b>7D</b> Pay penalty and interest if you are filing late	<b>22</b> Penalty and interest		
Penalty and interest are calculated on the amount in box 18, <i>Taxes due</i> . See 22 on page 3 in the instructions.			

Enter and **add** the amount from Form ST-810, page 3, box 13. Enter and **subtract** the *Total adjustment* from 7A, if any. Enter and **subtract** the amount from Form ST-810, page 3, box 9\*. Enter the result of the addition and subtractions on the *Eligible sales amount* line. Transfer this amount to 7C.

**\*New York City only:** If you reported sales on the *New York City 4 1/8% tax rate* line (page 3, in box 9), enter this amount in Step 7B. As local sales, they do not qualify for the vendor collection credit.

**7C** — Calculate your vendor collection credit by multiplying the *Eligible sales amount* from 7B by the state tax rate; then the result by the credit rate. If the credit amount is less than \$150, enter the credit in box 19. If the credit amount is equal to or more than \$150, enter \$150 in box 19.

**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.

You can estimate your penalty and interest by visiting our Web site at [www.nystax.gov](http://www.nystax.gov) and clicking on *Electronic Services*. You may also call 1 800 972-1233 to have a Tax Department representative estimate your penalty and interest for you. 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 7D.

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.

**7A** — If you completed schedules B, B-ATT, H, N, Q, or T-ATT, enter the appropriate amount (see each schedule for the amount to enter). Schedules A and T are not included as no adjustment is needed. Add the amounts in 7A and enter the total on the *Total adjustment* line. **Note:** If you did not complete any schedules, skip Step 7A on the return and start at the asterisk in Step 7B.

**7B** — If you completed Form ST-810.10, enter the amount from box 7 of that form. Fill in the lines as applicable, and add or subtract them according to the math symbols provided.

<b>Step 8 of 9 Calculate total amount due</b>	Make check or money order payable to <b>New York State Sales Tax</b> . Write on your check your sales tax ID#, <b>ST-810</b> , and <b>2/28/05</b> .	<b>23</b> <b>Total amount due</b>
<b>Final calculation:</b>	<b>Taking vendor collection credit?</b> Subtract box 19 from box 18. <b>Paying penalty and interest?</b> Add box 20 to box 18.	<b>250 49</b>

**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 Forms ST-810.4 or 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-810.4 or

OS-114 Schedule CT, or both, include in your payment amount any tax due with those schedules and with Form ST-810.

On your check or money order, write your sales tax ID#, **ST-810**, and **2/28/05**. Enclose your payment with Form ST-810 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 on 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 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 the application **separately** and mail it to the address shown on that form.

<b>Step 9 of 9 Sign and mail this return</b>	Must be postmarked by <b>Monday, March 21, 2005</b> , to be considered filed on time. See below for complete mailing information.	Please enter NAICS code below ( <i>see instructions</i> ).
<b>Please be sure to keep a completed copy for your records.</b>		
Printed name of taxpayer _____	Title _____	North American Industry Classification System (NAICS)
Signature of taxpayer _____	Date _____ Daytime telephone ( ) _____ <b>24</b>	
Printed name of preparer, if other than taxpayer _____		

**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 and pay tax. 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 ordering forms and publications.) If you use **any** private delivery service, whether it is a designated service or not, address your return to:

JP MORGAN CHASE  
LOCKBOX  
4 METROTECH CENTER – 8TH FLOOR WEST  
BROOKLYN NY 11245

**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 (see *Need help?* below).



**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-810 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.

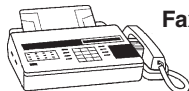
**Penalty computation**

- 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](http://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.

**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.