



Instructions for Form IT-203-TM

Group Return for Nonresident Athletic Team Members

General information

A *professional athletic team* whose employees perform services in New York State may be granted approval to file Form IT-203-TM, *Group Return for Nonresident Athletic Team Members*, on behalf of its *qualified members* who elect to participate in the *group return*. There is no minimum number of qualified electing members required to file a group return. However, all qualified electing members must have the same accounting period.

The *group return* is considered a group of individual returns which meet the New York State and Yonkers tax return filing requirements. Accordingly, if a qualified member elects to participate in the group return, the member is **not** required to file an individual New York State or Yonkers personal income tax return for the year.

A *professional athletic team* is any professional sports team, including, but not limited to, a baseball, basketball, football, soccer, or hockey team. A *team* is a single organization represented by a number of persons associated together in collective play and supporting duties. Affiliated teams that compete in different leagues, such as a major and a minor league team, are considered separate teams for purposes of filing a group return.

A *member* of a professional athletic team includes any employee who is an active player or a player on the disabled list. In addition, a *member* also includes any other employee (such as a coach, manager, trainer, and so on) who travels with the team and performs services for the team on a regular basis.

Approval to file a group return

Note: You **must** obtain prior approval to file a group return. If you file a group return without prior approval, the return will be rejected and the participating members could be subject to late-filing or late-payment penalties, or both.

To request approval to file a group return on behalf of a professional athletic team's qualified electing members, the team must:

1. Complete Form TR-99, *Application for Permission to File a Group Return*.
2. Submit Form TR-99 to: **NYS Tax Department, Individual Account Resolution, W A Harriman Campus, Albany NY 12227-0822**. If not using U.S. Mail, see *Private delivery services*.
3. Submit Form TR-99 no later than 30 days following the close of the initial tax year for which you are requesting to file a group return.

To download and print forms, see Nonresident group and team tax forms (current year) or see *Need help?* for information on how to get forms.

When the Tax Department receives your properly completed Form TR-99, we will determine whether permission will be granted and will notify the team accordingly. If approval is granted, the Tax Department will issue the team a special NYS identification number to be used **only** for filing the group return.

The Tax Department's approval to file on a group basis is contingent upon the receipt of the group return for the applicable tax year and is subject to revocation upon audit. Otherwise, approval to file on a group basis will remain in effect unless it is revoked by the Tax Department or the team notifies the Tax Department that they **decided not to file a group return**. Annual approval is **not** required, however, see *Reinstatement* below.

Deciding not to file a group return

If a team that has received approval to file on a group basis decides **not** to file a group return for a particular tax year, it must notify the Tax Department of its decision in writing at **NYS Tax Department, Individual Account Resolution, W A Harriman Campus, Albany NY 12227-0822**. The notice must show the name and address of the team and the special NYS identification number. If the team decides to file a group return for a subsequent year, see *Reinstatement* below.

Reinstatement

If the team previously received approval to file a group return, but subsequently did not file a group return for one or more years and now wishes to resume filing a group return, it must request reinstatement of its approval to file a group return as follows:

1. Complete Form TR-99, *Application for Permission to File a Group Return*, and mark an **X** in the *application for reinstatement* box. Also enter the special NYS identification number previously issued to the group (if known).
2. Obtain new powers of attorney for all electing members.
3. Submit Form TR-99 with the powers of attorney to: **NYS Tax Department, Individual Account Resolution, W A Harriman Campus, Albany NY 12227-0822**. If not using U.S. Mail, see *Private delivery services*.
4. Submit Form TR-99 no later than 30 days following the close of the initial tax year for which you are requesting to file a group return.

Group agent and powers of attorney

A team that requests approval to file a group return must appoint a common agent as the *group agent*.

Requirements

The team and all qualified electing members must have the same group agent. The group agent must:

- be an individual but does not have to be directly associated with the team (for instance, an officer or employee of the team),
- have legal authority to act as an agent in matters relating to the group return, for all members participating in the return,
- sign the group return, and
- receive any communications from the Tax Department. Any notices required by law, such as a notice of deficiency or a notice and demand, will be sent to the group agent as well as to the individual member involved.

Personal liability

If the group agent was actually responsible for making and signing an erroneous, false, or fraudulent return, the agent will be personally liable for penalties relating to those errors.

Responsibilities

The group agent must:

1. Obtain an individual power of attorney (see *Note* below) for each qualified nonresident member who the group agent knows, at the time of application, will be participating in the group return. The power of attorney must authorize the group agent to represent the participating member in the filing of the group return.
2. Complete and submit Form TR-99 with the individual powers of attorney. See *Approval to file a group return*, above.
3. Attach additional powers of attorney to the group return as needed for members who elected to participate in the group return **after** the group agent submitted Form TR-99.
4. Notify the Tax Department immediately at **NYS Tax Department, Individual Account Resolution, W A Harriman Campus, Albany NY 12227-0822** if the team changes its group agent. The new group agent must obtain and include new powers of attorney for all participating members (see *Note* below).

Note: Instead of individual powers of attorney, **you may submit** other evidence that establishes the group agent's authority to act as an agent in making, executing, and filing the group return for the qualified electing nonresident members. Submit a statement with Form TR-99 describing the evidence you want to submit. We will notify you whether or not the evidence is acceptable.

For example, you may file and submit Form DTF-350, *Group Affidavit*, as acceptable evidence instead of submitting individual powers of attorney.

Qualified member

A *qualified member* is a member who meets **all** of the following conditions:

- The member must be a nonresident **individual** of New York State for the entire tax year.
- The member did **not** maintain a permanent place of abode in New York State at any time during the tax year.
- Neither the member nor the member's spouse has income derived from New York sources other than (1) compensation received for services performed as a member of a professional athletic team or (2) other income derived from certain New York sources described below.

- Neither the member nor the member's spouse is subject to the New York State separate tax on the ordinary income portion of a lump-sum distribution.
- The member must waive the right to claim the New York standard deduction or itemized deduction, the New York dependent exemption, any New York State personal income tax credits (see *Special rule for credits* below), and the allowable exclusion for purposes of the Yonkers nonresident earnings tax.

Special rule for credits

In years when a team member elects to file on a group return, the member must waive the right to claim:

- any New York State personal income tax credits that originate in those years;
- any carryover to subsequent tax years of credits that originated in those years, whether the team member subsequently files on a group return or files an individual personal income tax return; and
- any carryover of credits on the group return that originated in a year for which the team member filed an individual personal income tax return.

However, if a credit originated in a year for which the team member filed an individual personal income tax return, the team member **may** claim a carryover of the credit (if applicable) in any subsequent tax year for which the team member files an individual personal income tax return. This applies even if the team member filed on a group return for any year or years after the credit was initially claimed. In this instance, a team member must consider any year or years for which the member filed on a group return for purposes of determining the allowable carryover period for those credits with limited carryover periods.

If a member performed services for more than one professional athletic team, the member must participate in a group return for each team. If the member is not participating in a group return for one team, or one of the teams is not filing a group return for the year, the member may not participate in any team's group return.

Special rules for spouses

You may include **both spouses** on their respective team's group return if:

- both spouses are members of a professional athletic team,
- both meet the qualifications described above (see *Qualified member*), and
- both spouses elect to participate.

You may **not** include **either spouse** in a group return, if one spouse declines to participate.

You **must** include a member, or member's spouse in the team's group return if, **either spouse** has other New York source income only from a partnership or New York S corporation that files a group return and:

- the member, or member's spouse, participates in other group returns; and
- the member, or member's spouse, does not participate in more than 10 group returns for the tax year.

Note: In the case of a member and a member's spouse who are both participating in group returns, the 10-group return limitation is determined individually (that is, the member may participate in up to 10 group returns, and the member's spouse may participate in up to 10 group returns).

Electing to participate in the group return

When you include a team member in the group return, you are notifying the Tax Department that the member is electing to participate in the group return.

To elect to participate in the group return, the qualified nonresident member must inform the group agent that they want to participate. The member must make the election by the fifteenth day of the fourth month following the close of the tax year for which the election is being made.

A member who elects to be included in the group return may **not** change that election after the fifteenth day of the fourth month after the close of the tax year. However, if it is later determined that a member included in the group return did not meet the definition of a qualified nonresident member for the tax year, the member will be required to file an amended return on an individual basis.

Yonkers nonresident earnings taxes

If the team files a group New York State return **and** its nonresident members perform services within Yonkers, the team **must** also file a group Yonkers nonresident earnings tax return. The group Yonkers return must include all qualified nonresident members who participate in the group state return. If a member does not participate in the group state return, the member may not participate in the group city return.

Sales and use tax

Team members who elect to participate in the group return **cannot** report sales and use tax they expect to owe on the group return. They may still be included on the group return, but must also file Form ST-140, *Individual Purchaser's Annual Report of Sales and Use Tax*, on or before April 15, 2024, to report and pay any sales and use tax the member owes.

For more information, see the instructions for Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*.

Estimated income tax payments

A team that has received approval to file a group nonresident return may also elect to make group estimated income tax payment installments on behalf of its qualified electing nonresident members.

Note: Professional athletic teams located in New York State are required to withhold state and city income taxes from wages paid to their employees. For these teams, group estimated income tax installments may not be substituted for the required income tax withholding.

Use Form IT-2105, *Estimated Tax Payment Voucher for Individuals*, to make the estimated tax payments for the group. Enter the following on Form IT-2105:

- name and address of the team,
- the special NYS identification number assigned to the team, and
- the total state and Yonkers estimated income tax paid on behalf of the group.

The group agent must maintain records to show that portion of the total that is paid on behalf of each participating member.

Penalty for underpayment of estimated tax

The Tax Department may impose a penalty if the 2023 estimated income tax payments do not equal at least:

- 90% of the 2023 income tax; or
- 100% of the 2022 income tax (110% of that amount if the nonresident team member is not a farmer or fisherman and the New York adjusted gross income on that return is more than \$150,000 [\$75,000 if married filing separately for 2023]), based on a return covering 12 months.

However, the department will only charge a penalty if at least \$300 of New York State or Yonkers income tax is owed. For more information, see Form IT-2105.9, *Underpayment of Estimated Tax by Individuals and Fiduciaries*, and its instructions.

Team members who change their election

If a qualified nonresident member who was included in the group estimated income tax decides not to participate in the group return, or if the team subsequently decides not to file a group return for the tax year, the group agent should notify the Tax Department **no later than February 15 of the year in which the return is due**. This notification must contain the following information:

- the name and address of the team;
- the special NYS identification number assigned to the team;
- the member's name, address, and Social Security number;
- the amount of state, and, if applicable, Yonkers estimated income tax paid on the member's behalf; **and**
- a request that the payment or payments be transferred to an individual estimated income tax account in the member's name.

If more than one member included in the group estimated income tax will not be participating, the group agent must provide all the above member information for each member.

Mail the **notification** to: **NYS Tax Department, Estimated Tax Unit, W A Harriman Campus, Albany NY 12227-0822**. If not using U.S. Mail, see *Private delivery services*.

Important information for members who change their election

When a member decides **not** to participate in the group return, they should take the following information into account **before** filing an individual return:

- The transfer of estimated income tax payments to the member's individual estimated tax account could take **two to three weeks** to become effective.
- The member should check their annual tax account online in their Individual Online Services account **before filing** to ensure the estimated payments were successfully transferred. See *Review your tax account balance before you file* or visit www.tax.ny.gov (search: *estimated*).

- If the member files an individual personal income tax return before the transfer becomes effective, the member will not get credit for these payments when the return is processed, and a tax due notice will be issued to the member. Therefore, this time period should be taken into account when filing the member's individual return.
- If a member who was included in the group estimated income tax notifies the group agent **after** February 15, 2024, but **before** April 15, 2024:
 - the individual member may want to request an extension of time to file to ensure that the estimated income tax payment will be properly credited to the individual's account prior to the individual's return being filed, and
 - the group agent should notify the Tax Department immediately, using the procedure described above.

Specific instructions

Entering whole dollar amounts

When entering amounts on this return, enter whole dollar amounts only (zeros have been preprinted). Use the following rounding rules when entering your amounts:

- Drop amounts below 50 cents.
- Increase amounts from 50 to 99 cents to the next dollar.

For example, \$1.39 becomes \$1 and \$2.50 becomes \$3.

Form IT-203-TM

Name and address box

At the top of the return, enter the following:

- legal name (the name in which the team owns property or acquires debt)
- trade name or doing business as (DBA) name if different from the legal name
- address
- employer identification number of the team
- the special NYS identification number (also called the Group ID)

If you are entering a foreign address, enter the information in the following order: city, abbreviation for the province or state, postal code (follow the country's practice), and country. **Do not abbreviate the country name.**

Lines 1 through 12

Note: You **must** complete Form IT-203-TM-ATT-A, and if applicable, Form IT-203-TM-ATT-B, **before** you can complete lines 1 through 12 of Form IT-203-TM.

Line 11: If you owe more than one dollar, submit your payment with this return. Make your check or money order payable in U.S. funds to **New York State Income Tax** and write your special NYS identification number and **2023 IT-203-TM** on it. Do **not** send cash. See *Where to file*.

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 will not 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.

Line 12: The amount overpaid will automatically be applied to your 2024 estimated income tax. This amount cannot be refunded.

Signature

The group agent must sign this form on behalf of the participating members. See *Personal liability* above.

Paid preparer's signature

If you pay someone to prepare your return, the paid preparer must also sign it and fill in the other blanks in the paid preparer's area of your return. A person who prepares your return and does not charge you should not fill in the paid preparer's area.

Paid preparer's responsibilities

Under the law, all paid preparers must sign and complete the paid preparer section of the return. Paid preparers may be subject to civil and/or criminal sanctions if they fail to complete this section in full.

When completing this section, enter your New York tax preparer registration identification number (NYTPRIN) if you are required to have one. If you are not required to have a NYTPRIN, enter in the *NYTPRIN excl. code* box one of the specified 2-digit codes listed below that indicates why you are exempt from the registration requirement. You **must** enter a NYTPRIN **or** an exclusion code. Also, you must enter your federal preparer tax identification number (PTIN) if you have one; if not, you must enter your Social Security number.

Exemption types by code

Code	Exemption type	Code	Exemption type
01	Attorney	02	Employee of attorney
03	CPA	04	Employee of CPA
05	PA (Public Accountant)	06	Employee of PA
07	Enrolled agent	08	Employee of enrolled agent
09	Volunteer tax preparer	10	Employee of business preparing that business' return

For more information about the tax preparer registration requirements, see Tax preparer and facilitator registration and continuing education or visit www.tax.ny.gov (search: *preparer*).

When to file

You may file Form IT-203-TM at any time after January 1, 2024, but not later than the filing deadline of April 15, 2024. If you file late, you may have to pay penalties and interest.

Extension of time to file

If you cannot meet the filing deadline, the team may request an extension to file the group return using Form IT-370, *Application for Automatic Six-Month Extension of Time to File for Individuals*. You can file Form IT-370 online using your Online Services account or by mail, using Form IT-370. For details, see [Apply for an extension of time to file an income tax return](#) or visit www.tax.ny.gov (search: *extension*).

When you request an extension, you must:

1. Provide the special NYS identification number assigned to the team on your extension application.
2. Submit with Form IT-370 a list (in either alphabetical or Social Security number order) showing each participating member's name, address, and Social Security number.

Where to file

Mail the group return to:

**NEW YORK STATE INCOME TAX
W A HARRIMAN CAMPUS
ALBANY NY 12227-0866**

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.

Forms IT-203-TM-ATT-A and IT-203-TM-ATT-B

Schedules A and B

If you are filing a group New York State return, you must complete Schedule A. You must also complete Schedule B if you are required to file a Yonkers group return.

Review the definitions for the following before you begin:

- *Duty days*
- *New York State or Yonkers duty days*
- *Total compensation*

Complete and submit the applicable schedules with Form IT-203-TM as follows:

1. Type directly into Schedules A and B to enter information. If you create your own schedules, they **must**:
 - a. be in the same format as the official schedules, and
 - b. use a font face and size (#12 or larger) that is easy to read.
2. Use as many schedules as you need to list all qualified nonresident members participating in the group return.
3. Enter the grand totals from all Schedules A and B on the last sheet of each set of schedules.

Schedule A

Column C: For each member, enter the total *duty days* the member spent **both within and outside New York State** during the tax year. If the member was a member of more than one team during the year, include only the total duty days for this team.

Column D: For each member, enter the number of *duty days* the member spent **within New York State** during the tax year. If the member was a member of more than one team during the tax year, include only the duty days spent in New York State for this team.

Column F: For each member, enter the *total compensation* the member received during the tax year. If the member was a member of more than one team during the year, enter only the compensation paid by this team.

Column I: For each participating member who had New York State tax withheld, submit federal Form W-2, *Wage and Tax Statement*, with the group return. You must arrange the wage and tax statements in either alphabetical or Social Security number order.

Column J: Enter each member's New York State estimated income tax paid or any amount paid with Form IT-370, *Application for Automatic Six-Month Extension of Time to File for Individuals*, or *both*. Be sure to include any overpayment from the 2022 team group return that was applied to the member's estimated income tax.

Column N: If the member performed services for any other team during the tax year, or is participating in a group return of a partnership or New York S corporation, mark an **X** in this column. **Note:** The member **must** be participating in a group return for the other teams in order to participate in the group return for this team.

Schedule B

Column C: For each member, enter the total *duty days* the member spent both **within and outside Yonkers** during the tax year. If the member was a member of more than one team during the year, include only the total duty days for this team.

Column D: For each member, enter the number of *duty days* the member spent **within Yonkers** during the tax year. If the member was a member of more than one team during the tax year, include only the duty days spent in Yonkers for this team.

Column F: For each member, enter the amount of *total compensation* the member received that is treated as wages subject to withholding for **federal** income tax purposes. If the member was a member of more than one team during the tax year, enter only the amount of wages subject to withholding for this team.

Column I: For each participating member who had Yonkers tax withheld, submit federal Form W-2 with the group return. You must arrange the wage and tax statements in either alphabetical or Social Security number order.

Duty days

Duty days means all days during the tax year from the beginning of the team's official preseason training period through the last game in which the team competes or is scheduled to compete. You must take duty days into account in the year they occur even if the period previously described covers more than one tax year. In addition, duty days also include days on which the member is performing a service for the team which fall outside the period previously described, such as days participating in instructional leagues or promotional caravans. Performing a service includes conducting training and rehabilitation activities, but only if conducted at the facilities of the team.

Days for which the member is not compensated and the member is not performing services for the team in any manner are not treated as duty days. These days would include days where a member has been suspended without pay and is prohibited from performing any services for the team.

New York State or Yonkers duty days

New York State or Yonkers duty days means all days spent within New York State or Yonkers for game days, practice days, days spent at team meetings, promotional caravans, and preseason training camps, and days served with the team through all post-season games in which the team competes or is scheduled to compete.

Days on the disabled list are **not** considered New York State or Yonkers duty days **unless** the member is engaged in rehabilitation duties at a facility located in the state or Yonkers or the member is otherwise performing services for the team in New York State.

Travel days that do not involve either a game, practice, team meeting, promotional caravan, or other similar team event are **not** considered New York State or Yonkers duty days. This is true even if the member is present in the state or Yonkers on that day. However, those days are considered as duty days for purposes of the *Total duty days* spent in and out of the state or Yonkers.

Total compensation

Total compensation means the total compensation the member received during the tax year for services rendered from the beginning of the official preseason training period through the last game in which the team competes or is scheduled to compete. It also includes compensation received during the tax year for services performed by the member outside the period previously described, such as compensation for participation in instructional leagues or promotional caravans.

Compensation includes, but is not limited to, salaries, wages, bonuses (however, see bonuses below), and any other type of compensation paid during the year for services performed for the team. Compensation does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services rendered for the team.

Bonuses earned as a result of play during the season, such as performance bonuses, bonuses paid for championship, playoff or bowl games, and bonuses for selection to all-star or other honorary positions are includable in total compensation. In addition, bonuses paid for signing a contract must also be included in total compensation unless **all** of the following conditions are met:

- The payment of the signing bonus is not conditional upon the signee playing any games for the team or performing any subsequent services for the team or even making the team.
- The signing bonus is paid separately from the salary and any other compensation.
- The signing bonus is not refundable.

Privacy notification

New York State Law requires all government agencies that maintain a system of records to provide notification of the legal authority for any request for personal information, the principal purpose(s) for which the information is to be collected, and where it will be maintained. To view this information, visit our website, or, if you do not have Internet access, call and request Publication 54, *Privacy Notification*. See *Need help?* for the Web address and telephone number.

Need help?

Visit our website at www.tax.ny.gov

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Automated income tax refund status: 518-457-5149

Personal Income Tax Information Center: 518-457-5181

To order forms and publications: 518-457-5431

Text telephone (TTY) or TDD equipment users: Dial 7-1-1 for the New York Relay Service