Instructions for ST-809 (Part-Quarterly Sales Tax Return)

New York State
Department of Taxation and Finance

These instructions will help you complete Form ST-809. If you need further assistance, use the telephone numbers provided on page 4 of these instructions. You should keep all records and other supporting documents used in completing your return for at least three years after filing and be able to produce them on request by the State Tax Commission or its agents.

Who Must File

You must file Form ST-809 if —

- you are a vendor who has total taxable receipts (including purchases subject to use tax), rents and amusement charges of $300,000 or more in any quarter.
- you are registered under the Motor Fuel Tax Law as a distributor of motor fuel or diesel motor fuel and your taxable sales of fuel total 100,000 gallons or more in any quarter.

You must report sales and self-use of such fuel as taxable receipts. Refer to TSB-M-82(28)S, TSB-M-82(28)S (Supplement), TSB-M-82(28.1)S and TSB-M-83(12)S for more detailed information on reporting such sales and use.

When to File

You must file Form ST-809 for each of the first two months of every quarterly reporting period and a quarterly return, Form ST-810, for the third month. Returns are due 20 days after the month covered.

Two copies of Form ST-809 are mailed to each person registered with the Department of Taxation and Finance. Be sure to **file the copy with the preaddressed label and keep the second copy of the return for your records.**

If you do not receive your returns by the first week of the month in which they are due, call the appropriate telephone number listed on page 4 for a duplicate. **Late charges** will not be reduced because a preaddressed form was not received.

How to File

Two methods are available for monthly filing: long and short. If you have filed returns for each of the four quarters immediately preceding the month to be covered you may elect to use the short method. Otherwise, you **must** use the long method.

Long method — You must report and pay actual state and local sales and use taxes due for the month. *Long method* instructions begin on page 2.

Short method — You must report and pay an amount equal to ⅓ of the total state and local sales and use taxes which were due for the comparable quarter of the prior year, adjusted to reflect any new, increased or decreased local sales and use tax. Local taxes are reported as part of the total rather than individually. *Short method* instructions begin on page 3.

Information To Be Completed By All Filers

Name, address and identification number — Correct any errors in the preprinted name, address and identification number on the preaddressed form in the spaces provided.

Type of business — Describe your principal business activity or type of business in the space provided (retail grocery, wholesale furniture, etc.).

Consolidated Return — If you have more than one place of business, and receipts from all business locations are consolidated in this return, check the appropriate box.

Signature — You or an authorized officer or employee must sign the return. If the return is prepared by an accountant, lawyer or anyone acting in a professional capacity, the preparer must also sign on the line indicated.

Long method

You are required to report and pay the total state and local sales and use taxes due for the month. *You must also maintain complete records so that you are able to prepare and file a quarterly return (Form ST-810) summarizing the three months' business activities by locality.* The distribution to each locality must be shown on the quarterly return (Form ST-810) and Schedules U, A, B, D, E and N as necessary.

Summary of Business Activities

Notice to Registered Distributors of Motor Fuel and/or Diesel Motor Fuel

Although you must report and remit the sales tax due on taxable sales and self-use of motor fuel and diesel motor fuel, do not report these sales in Box A (gross sales and services), Box B (taxable sales and services) or Box C (purchases subject to use tax).

BOX A — Gross Sales and Services

Enter the total dollar value of sales made by the business, including those exempt from sales taxes (except automotive fuel sales as stated above). *Do not include in this figure the amount of sales tax collected.* Include sales made within New York State for delivery inside or outside New York State, and sales made outside New York State for delivery inside. Exclude any sales made at business locations outside New York State for delivery outside New York State.

Box B — Taxable Sales and Services

Enter the total dollar value of sales subject to New York State and local sales taxes (except automotive fuel sales as stated above).

Exception — Sales of *diesel motor fuel* in bulk to purchasers who do not furnish an acceptable exemption document or certificate (e.g. TP-146.4 or PR-122) must be reported in Boxes A & B. Compute the tax on the actual selling price at the combined state and local rate in effect for the locality where the fuel is delivered.

Box C — Purchases Subject to Use Tax

Enter the total dollar value of purchases subject to use tax other than automotive fuel. You must, however, report and remit use tax due on self use of automotive fuel.

The use tax includes, among other taxable incidents, a tax on the use of tangible personal property purchased at retail on which no tax or insufficient tax was paid at the time of purchase, including property used by the business in its own operations when this property does not become part of a product for resale or does not qualify for a production exemption.

Line-by-Line Instructions

Line 1 — Sales and Use Taxes

Distributors of motor fuel must compute sales tax due as explained in TSB-M-82(28.1)S and TSB-M-83(12)S.

Enter the total of the state and local sales taxes due on: (a) taxable sales and services, plus (b) the purchases of both items and services subject to use tax, minus (c) the total allowable credits that can be substantiated and identified with a specific locality.

Substantiate credit(s) by attaching a statement explaining the basis for the credit claimed and any other supporting documentation (for example, credit for tax paid by a contractor on the purchase of materials which the contractor then used in performing repairs on which he collected the tax). Your substantiation must include the taxing jurisdiction, rate of tax paid, and calculations used to determine the amount of credit claimed. These credits must **not** be included in any amount entered on line 2a.

Line 2a — Credits Not Identified

Enter the total allowable credits that can be substantiated, but cannot be identified with a specific locality. (Credits which **can** be identified with a specific locality **must** be used to reduce the total sales and use taxes reported on line 1.) You **must** substantiate the credits taken on your return as noted above.

Line 2b — Prepayments

Enter the total amount of the prepayments. Attach Form ST-330, *Record of Advance Payment*, issued to you if you paid part of your tax in advance.

Line 2c — Total

Add lines 2a and 2b.

Line 3 — Sales and Use Taxes Due

Enter the amount on line 1 less any amount reported on line 2c.

Line 4 — Late Filing Charge

If a return is filed or payment is made after the due date, you must pay a late filing charge which includes

a penalty plus interest. The penalty is 5 percent of line 3 for the first month of delay and 1 percent per month for each additional month (or part of a month) up to a maximum of 25 percent. Interest is computed at the rate indicated in Part 603 of the Tax Regulations (this rate is subject to change semiannually).

Line 5 — Amount Due

Enter the amount on line 3 plus any amount on line 4.

Short method

Line 1a — Comparable Quarter — Prior Year

Enter total state and local sales and use taxes which were due (before deducting credits or prepayments) for the comparable quarterly reporting period of the preceding year, adjusted to reflect any new, increased or decreased local sales and use taxes.

For Return of the Month Ending:	Use Comparable Quarterly Period:
March 31 April 30	March 1 - May 31
June 30 July 31	June 1 - August 31
September 30 October 31	September 1 - November 30
December 31 January 31	December 1 - February 28 (29)

Adjustments

If this return includes taxable sales or purchases subject to use tax for any locality which either enacted a local sales and use tax or increased or decreased its rate after the close of the comparable quarter, prior year, the amount entered on line 1a must include an adjustment to reflect the new local rates. See below for computing adjustment.

Line 1b — Tax Due (⅓ of the amount on line 1a)

Divide amount entered on line 1a by 3 and enter the result.

Line 2a — Credits

Enter the total of the properly substantiated allowable credits against the tax. Credits must be substantiated by attaching a statement explaining the basis for the credit claimed and any other supporting documentation (for example, a claim for credit by a contractor for tax paid by him on the purchase of materials which he then used in performing repairs on which he collected the tax). Your substantiation must include the taxing jurisdiction, rate of tax paid and calculations used to determine the amount of credit claimed.

Line 2b — Prepayments

Enter the total amount of the prepayments. Attach Form ST-330, *Record of Advance Payment,* issued to you if you paid part of your tax in advance.

Line 2c — Total

Add lines 2a and 2b.

Line 3 — Sales and Use Taxes Due

Enter the amount on line 1b less any amount reported on line 2c.

Line 4 — Late Filing Charge

If a return is filed or payment is made after the due date, you must pay a late filing charge which includes a penalty plus interest. The penalty is 5 percent of line 3 for the first month of delay and 1 percent per month for each additional month (or part of a month) up to a maximum of 25 percent. Interest is computed at the rate indicated in Part 603 of the Tax Regulations (this rate is subject to change semiannually).

Line 5 — Amount Due

Enter the amount on line 3 plus any amount reported on line 4.

Short Method Adjustment

When a local rate has been increased or decreased, multiply the total taxable sales and purchases subject to use tax reported for that locality in the comparable quarter by the difference between the new and old rates. If a new local tax was enacted since the end of the prior comparable quarter, use current records to estimate taxable sales and purchases subject to use tax in that locality for three months and multiply this amount by the new local tax rate. Total the adjustments for all such localities and add this amount to or subtract it from the taxes due for the comparable quarter last year. Enter this adjusted total on line 1a. **List the names of the localities and the amount of the adjustment for each on the front of the return in the lower left corner.**

Examples:

The City "Y" increased its local tax and the County "D" decreased its local tax. If a vendor reported taxable sales for City "Y" in the prior year's comparable quarter and sales were also made in County "D" during that quarter, the adjustments would be computed as follows:

LOCALITY*	CURRENT COMBINED RATE	COMBINED RATE COMPARABLE QUARTER	INCREASE (DECREASE) ×	TAXABLE SALES** =	ADJUSTMENT*
City "Y"	7%	6%	1%	$250,000	$2,500
County "D"	5%	7%	(2%)	3,000	(60)
Total adjustments to be added to from comparable prior year's quarter					$2,440

* Enter information in these two columns on the front of the return in the lower left corner.
** Includes purchases subject to use tax.

IF YOUR PLACE OF BUSINESS IS LOCATED IN THE COUNTY OF:		MAIL RETURN TO:
ALBANY BROOME CHEMUNG CHENANGO CLINTON COLUMBIA DELAWARE DUTCHESS ESSEX FRANKLIN FULTON GREENE HAMILTON HERKIMER JEFFERSON LEWIS	MONTGOMERY ONEIDA OTSEGO RENSSELAER SARATOGA SCHENECTADY SCHOHARIE SCHUYLER STEUBEN ST. LAWRENCE TIOGA TOMPKINS ULSTER WARREN WASHINGTON	P.O. Box 688 Albany, N.Y. 12201
BRONX ORANGE PUTNAM	ROCKLAND SULLIVAN WESTCHESTER	P.O. Box 3000 White Plains, N.Y. 10602
NEW YORK COUNTY with ZIP CODES 10001- 10019 RICHMOND		P.O. Box 2058 Church Street Station New York, N.Y. 10008
KINGS NEW YORK COUNTY with ZIP CODES 10020-10040 QUEENS		G.P.O. Box 5464 New York, N.Y. 10087
ALLEGANY CATTARAUGUS CHAUTAUQUA ERIE	GENESEE NIAGARA WYOMING	P.O. Box 194 Buffalo, N.Y. 14240
NASSAU SUFFOLK		P.O. Box 1022 Hicksville, N.Y. 11802
LIVINGSTON MONROE ONTARIO	ORLEANS WAYNE YATES	P.O. Box 9390 Rochester, N.Y. 14604
CAYUGA CORTLAND MADISON	ONONDAGA OSWEGO SENECA	P.O. Box 22919 Rochester, N.Y. 14692

ALL VENDORS who are located out-of-state must mail their returns to:

P.O. Box 688

Albany, N.Y. 12201

PHONE **For forms or publications**

from within New York State, call toll-free 1 + 800 + 462-8100

from outside New York State, call 1 + 518 + 438-1073

For information

from within New York State, call toll-free 1 + 800 + 342-3536

from outside New York State call 1 + 518 + 438-8581

WRITE **If you need to write, address your letter to:**

New York State Tax Department
Taxpayer Assistance Bureau
State Campus
Albany, New York 12227