



# ST-809

## Part-Quarterly Instructions

### Instructions for Form ST-809

#### New York State and Local Sales and Use Tax Return for Part-Quarterly Filers

For tax period:

**December 1, 2004, through December 31, 2004**

The New York State Tax Department is dedicated to answering your questions. For assistance, please call our Business Tax Information Center at:

1 800 972-1233

*or*

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

Importers and others registered under Article 12-A as distributors of motor fuel or diesel motor fuel must also file Form FT-945/1045, *Report of Sales Tax Prepayment on Motor Fuel/Diesel Motor Fuel*, to report the sales tax prepayments due on motor fuel or diesel motor fuel. These prepayments must not be included in the taxable receipts reported on Form ST-809 or Form ST-810, *New York State and Local Quarterly Sales and Use Tax Return for Part-Quarterly Filers*, but distributors who have used these fuels or sold them at retail may take credits on Form ST-809 (or Form ST-810) for the prepaid tax already paid on the fuel used or sold (on the return, see box 5 of Step 1 or box 3 of Step 2 — *Credit for prepaid sales tax*).

#### Filing methods

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 use either 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.

**Short method** — You must report and pay an amount equal to one-third of the total state and local sales and use taxes that were due for the comparable quarter of the previous year, adjusted to reflect any new, increased, or decreased local sales and use tax. Report local taxes as part of the total rather than separately.

#### Preaddressed 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 page 2 where space is provided. Be sure your identification number and name are on the front of any schedules you may be required to file.

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 page 2 where space is provided.

# Instructions

<b>No tax due?</b>	If so, check the box to the right and enter your gross sales and services in box 1 of Step 1 below; enter <b>none</b> in boxes 2 and 3. 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 <b>1</b> 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 <b>2</b> in instructions. <input type="checkbox"/>
<b>Complete Step 1 or Step 2, but not both. See 3 in instructions.</b>	

## 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 of Step 1, and write **none** in boxes 2 and 3. Then go to Step 3.

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

## 2 Has your address or business information changed?

If you need to update your sales tax mailing address, check the box and 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*. To obtain forms, see *Need help?* on page 4.

## 3 Filing methods

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 use either method. Otherwise, you must use the long method.

If you use the long method, you must report and pay actual taxes due for the month.

If you use the short method, you must report and pay an amount equal to one-third of the total taxes that were due for the comparable quarter of the previous year. Make adjustments to reflect new, increased, or decreased taxes. Report local taxes as part of the total rather than separately.

Regardless of the method used, you must maintain complete records to be able to complete quarterly return Form ST-810, where you must report sales by each locality. You may also be required to file schedules A, B, B-ATT, CT, FR, H, N, N-ATT, NJ, P, Q, T, and T-ATT with the quarterly return, if any apply to you.

## Step 1 of 3 Long method of calculating tax due

1 Enter total gross sales and services (to nearest dollar; see 4 in instructions)	1		.00
2 Enter total taxable sales and services (to nearest dollar; see 5 in instructions)	2		.00
3 Enter total purchases subject to tax (to nearest dollar; see 6 in instructions)	3		.00
4 Sales and use tax (see 7 in instructions)	4		
5 Credit for prepaid sales tax (see 8 in instructions)	5		
6 Net tax due (subtract box 5 amount from box 4 amount)	6		
7 Credits not identified (attachments required; see 9 in instructions)	7		
8 Advance payments (see 10 in instructions)	8		
9 Add box 7 amount to box 8 amount	9		
10 Sales and use tax due (subtract box 9 amount from box 6 amount)	10		
11 Penalty and interest (see 11 in instructions)	11		
12 Amount due (add box 10 amount to box 11 amount; see 12 in instructions)	12		

## 4 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 of Step 1. **Exclude sales tax from this amount.** Also, do not include sales of motor fuel or diesel motor fuel.

## 5 Taxable sales and services

Enter in box 2 of Step 1 the total amount of the sales and services reported in box 1 that are subject to New York State and local sales taxes.

**Do not** include sales tax in this amount.

## 6 Purchases subject to tax

- Purchases outside New York State: Report in box 3 of Step 1 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 in box 3 of Step 1 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 (see below).

Do not include in box 3 of Step 1 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.

## 7 Sales and use tax

Enter in box 4 of Step 1 the total state and local sales and use taxes due on taxable sales and services, including sales of motor fuel and diesel motor fuel, and purchases of items and services subject to use tax **minus** credits that can be identified with a specific locality (such as credits for taxes paid to another jurisdiction in New York State or to another state, or credit for tax paid by a contractor on purchases of materials used to perform repairs subject to tax). Do not include empire zone (EZ) credits in box 4 (see 9).

**Substantiate credits** that can be identified with a specific locality by a statement explaining the basis for the credit. Also attach any other supporting documents. Your substantiation must include the taxing jurisdiction, rate of tax paid, and calculations used to determine the amount of credit.

**Do not** include in box 4 of Step 1 any amounts reported on Form FT-945/1045.

**Do not** take any credit in box 4 of Step 1 for prepaid sales tax on motor fuel or diesel motor fuel that was sold or used during the month (see 8).

## 8 Credit for prepaid sales tax

Enter in box 5 of Step 1 the amount of sales tax prepaid to your suppliers on motor fuel or diesel motor fuel sold at retail or used during the month covered by this return.

Registered distributors of motor fuel or diesel motor fuel should also include in box 5 of Step 1 amounts prepaid with Form FT-945/1045 on motor fuel or diesel motor fuel sold at retail (whether taxable or nontaxable\*), or used during the month covered by this return.

**\*Exception:** Credit for prepaid sales tax on motor fuel or diesel motor fuel that you sold in bulk (that is, through a marketing location other than a retail service station) to an exempt purchaser or delivered out of state to your customer should be reported on Form FT-945/1045.

Include in box 5 of Step 1 the prepaid sales tax credit on cigarettes you claimed for the month.

## 9 Credits not identified

Enter in box 7 of Step 1 the credits claimed against the tax **other than** credits taken in boxes 4 and 5 of Step 1. **Do not** claim any vendor collection credit in this box.

Report EZ credits in this box and file Form AU-11, *Application for Credit or Refund of Sales or Use Tax*, separately from your return. Mail Form AU-11 and all substantiation to the address shown on the form. Indicate on Form AU-11 the period of the return on which you are taking the credits.

Enter the total EZ credits and any other credits you can substantiate but cannot identify with a specific locality. You **must substantiate** all credits in this box.

## 10 Advance payments

Enter in box 8 of Step 1 any tax you paid in advance.

**Do not** include sales tax prepayments due on motor fuel or diesel motor fuel as advance payments. Report these prepayments on Form FT-945/1045.

## 11 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. Penalty and interest are calculated on the amount in box 10 of Step 1, *Sales and use tax 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 11 of Step 1.

## 12 Amount due

Enter in box 12 the total of box 10 and box 11 of Step 1. This is the amount to pay with this return.

## Step 2 of 3 Short method of calculating tax due

1	Comparable quarter of previous year (see 13 in instructions)*	1		
2	Tax due (one-third of box 1 amount)	2		
3	Credit for prepaid sales tax (see 14 in instructions)	3		
4	Net tax due (subtract box 3 amount from box 2 amount)	4		
5	Credits (attachments required, see 15 in instructions)	5		
6	Advance payments (see 16 in instructions)	6		
7	Add box 5 amount to box 6 amount	7		
8	Sales and use tax due (subtract box 7 amount from box 4 amount)	8		
9	Penalty and interest (see 17 in instructions)	9		
10	Amount due (add box 8 amount to box 9 amount; see 19 in instructions)	10		

**Pay this amount**

or Use Tax, separately from your return. Mail Form AU-11 and all substantiation to the address shown on the form. Indicate on Form AU-11 the period of the return on which you are taking the credits.

Enter the total EZ credits and other credits you can substantiate but cannot identify with a specific locality. You **must substantiate** all credits in this box.

**Substantiate other credits** reported in box 5 of Step 2 by attaching a statement explaining the basis for the credit and any other supporting documents (for example, credit for tax a contractor paid on purchases of materials that were then used to perform repairs that are subject to the tax). Your substantiation must include the taxing jurisdiction, rate of tax paid, and calculations used to determine the amount of credit.

### 13 Comparable quarter of previous year

Enter in box 1 of Step 2 total taxes that were due (before deducting credits or advance payments) for the comparable quarter of the previous year. Make adjustments to reflect any new, increased, or decreased taxes. (See *Short method adjustment* below.)

#### Form ST-810.10, Quarterly Schedule FR for

**Part-Quarterly Filers:** When entering the total taxes that were due for the comparable quarter in the previous year, include the amount reported on page 3, Column F, box 8, of the Form ST-810.10 filed for the comparable quarter. The amount in box 8 is the total taxes reported on motor fuel and diesel motor fuel before deducting the credit for prepaid sales tax on either of these fuels.

### 14 Credit for prepaid sales tax

Enter in box 3 of Step 2 the amount of sales tax prepaid to your suppliers on motor fuel or diesel motor fuel sold at retail or used during the month covered by this return.

Registered distributors of motor fuel or diesel motor fuel should also include in box 3 of Step 2 amounts prepaid with Form FT-945/1045 on motor fuel or diesel motor fuel sold at retail (whether taxable or nontaxable\*), or used during the month covered by this return.

**\*Exception:** Credit for prepaid sales tax on motor fuel or diesel motor fuel that you sold in bulk (that is, through a marketing location, other than a retail service station) to an exempt purchaser or delivered out of state to your customer should be reported on Form FT-945/1045.

Include in box 3 of Step 2 the prepaid sales tax credit on cigarettes you claimed for the month.

### 15 Credits

Enter in box 5 of Step 2 the credits claimed against the tax other than credits taken in box 3 of Step 2. **Do not** claim any vendor collection credit in this box.

Report empire zone (EZ) credits in this box and file Form AU-11, *Application for Credit or Refund of Sales*

### Short method adjustment

When the combined rate has been increased or decreased, multiply the total taxable sales and purchases subject to tax reported for that locality in the comparable previous quarter by the difference between the new and old rates. If a new local tax was enacted since the end of the comparable previous quarter, use current records to estimate taxable sales and purchases subject to 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 in box 1 of Step 2. **List the names of the localities and the amount of the adjustment (show negative balances in parentheses) for each in the dedicated space below the Step 2 box.**

#### Example:

The entries in this example are fictional. Do not use these figures when completing your return.

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

Locality*	Combined Rate Current	Combined Rate Comparable Quarter	Increase (Decrease)	x	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 comparable previous year's quarter .....								\$2,440

\* Enter locality and adjustment information in the dedicated space below the Step 2 box.

\*\* Includes purchases subject to tax.

### 16 Advance payments

Enter in box 6 of Step 2 any tax you paid in advance.

**Do not** include sales tax prepayments due on motor fuel or diesel motor fuel as advance payments. Report these prepayments on Form FT-945/1045.

### 17 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. Penalty and interest are calculated on the amount in box 8 of Step 2, *Sales and use tax 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 9 of Step 2.

### 18 Amount due

Enter in box 10 of Step 2 the total of box 8 and box 9 of Step 2. This is the amount to pay with this return.

<b>Step 3 of 3 Sign and mail this return</b> <i>Please be sure to keep a completed copy for your records.</i>	Must be postmarked by <b>Thursday, January 20, 2005</b> , to be considered filed on time. See below for complete mailing information.
Printed name of taxpayer _____ Title _____	
Signature of taxpayer _____ Date _____ Daytime telephone ( ) _____	

**19 Sign and mail this return**

**Signatures required**

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

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.**



**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 2 of Form ST-809 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 services**

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 have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. 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

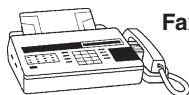
**Penalty computation**

- 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.