



# Instructions for Form MT-160

## Authorized Combative Sports Tax Return

# MT-160-I

(4/20)

## General information

### Who must file

Every promoter, including an individual, corporation, association, or club, holding any authorized combative sport match or exhibition in New York State must file a return for each event.

### When to file

**Gross receipts from ticket sales** – The promoter must file a return and pay the tax within ten days after the date of the event.

**Gross receipts from broadcasting rights and digital streaming over the internet** – The promoter must file a return and pay the tax by the last day of the month in which any portion of the gross receipts from broadcasting rights and digital streaming over the internet are received. However, for receipts received in the last five days of the month, the promoter may file a separate return and pay the tax due by the fifth day of the following month.

### Where to file

Returns and remittances of tax may be mailed to the Commissioner of Taxation and Finance at:

NYS TAX DEPARTMENT  
RPC-ACS  
PO BOX 15193  
ALBANY NY 12212-5193

**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. If you use **any** private delivery service, whether it is a designated service or not, send the form(s) covered by these instructions to: NYS Tax Department, RPC-ACS, 90 Cohoes Ave, Green Island NY 12183.

## General instructions

### Important identifying information

Mark an **X** in the *Ticket sales* box if the return is reporting the tax due on the gross receipts from ticket sales for the event. Also mark an **X** in the *Final return* box if you had no gross receipts from broadcasting rights and digital streaming for the event.

Mark an **X** in the *Broadcasting rights and digital streaming* box if the return is reporting gross receipts from broadcasting rights and digital streaming over the internet. If there will be no additional receipts from broadcasting rights and digital streaming over the internet to report, also mark an **X** in the *Final return* box.

Mark an **X** in the *Amended return* box if this return amends a previously filed final return. Attach a statement to the return with the reason for the amendment.

Enter the date of the event and the event reference number assigned by the State Athletic Commission.

Mark an **X** in the box for a *Boxing, sparring, or wrestling event*; or the box for *Other combative sports event (including mixed martial*

*arts [MMA])*. Other combative sports events include kickboxing, single discipline martial arts, and MMA.

Enter the promoter's employer identification number (EIN) or social security number (SSN), name, address, and telephone number. Also enter the promoter's State Athletic Commission license number, the location of the event (including the name of the venue where the event was held), the venue's complete address, and the email address of the promoter.

### Calculation of taxable receipts from admissions

Enter the appropriate information in columns A through G. If different prices were charged for tickets, you must use a separate line for each ticket price. Attach additional sheets in the same format if necessary.

**Column D** – In counting complimentary tickets, only include those tickets that were stamped **Complimentary-No Fee Paid** or that otherwise indicated on the face of the ticket that the price was zero.

## Line instructions

**Lines 3, 4, 5, and 7** – If a return was previously filed reporting gross receipts on lines 3, 4, 5, or 7 and you have additional gross receipts to report, add the new amount received to the previous amount reported and enter the total on the corresponding line.

**Line 3** – Enter the promoter's gross receipts from the sale, lease, or other exploitation of broadcasting rights (for example, radio and television) of the match or exhibition held in New York State, to the extent receipts are attributable to transmissions and presentations received, or exhibited, in New York State, without any deductions for commissions, brokerage or distribution fees, advertising, or any other expenses.

### Example

*Promoter A enters into a contract with New Jersey television station B to broadcast an event for \$40,000. According to an acceptable rating company's poll taken during the event, station B's viewing audience for the event was 100,000 persons. The New York State viewing audience share was 75,000. The amount allocated to New York State and entered on line 3 is \$30,000 ( $\$40,000 \times (75,000 \div 100,000)$ ).*

**Line 4** – The promoter may contract with another person or business to broadcast an event via closed circuit television to theaters, arenas, or other facilities, or may personally arrange for such broadcasts. Any payments the promoter receives under such contracts related to theaters, arenas, or other facilities in New York State are subject to tax and must be included on this line.

### Examples

- Person A pays a flat fee to the promoter for the closed circuit broadcast rights to show the event in three theaters, two of which are located in New York State. Only the receipts attributable to the presentation in the two New York State theaters are subject to tax. If the contract reasonably allocates the fee among the theaters, include on line 4 the contract amounts related to the New York State theaters. If the contract does not allocate the contract payments among the theaters (or the allocation is not reasonable), the allocation to the New York State theaters should be based on seating capacity and charge per ticket or some other reasonable method. Include the amount allocated to the New York theaters on line 4.*
- If the promoter receives a percentage of person A's total receipts for the closed circuit broadcast, the receipts subject to tax would be the promoter's percentage of total receipts from facilities within New York State.*

C. *The promoter holds a live event in New York State and rents another facility in New York State for a closed circuit broadcast of the event. The rental that the promoter pays to the closed-circuit facility, whether a flat fee or a percentage of the admissions, is an expense and does not reduce the promoter's gross receipts subject to tax.*

**Line 5** – Enter all amounts paid to the promoter for motion picture rights, rebroadcast rights, and delayed broadcast rights for an authorized combative sports event held in New York State that are attributable to transmissions and presentations received, or exhibited, in New York.

**Line 7** – Enter the promoter's gross receipts from the digital streaming of a kickboxing, single discipline martial arts, or MMA event over the internet. To the extent that the promoter can show that an amount is attributable to an out of state viewing of the internet stream, they may exclude the amount. The promoter may not deduct commissions, brokerage or distribution fees, advertising, or any other expenses. Enter **0** for boxing, sparring or wrestling events.

**Line 9** – Multiply the amount on line 8 by 3% (.03) (tax rate). Enter the result on line 9, but do not enter more than \$50,000, per event. The tax on broadcasting rights and digital streaming over the internet is limited to the lesser of 3% of the gross receipts, or \$50,000, for each event.

**Lines 11 and 12** – Since the Tax Law provides separate due dates for the tax on gross receipts from ticket sales and gross receipts on broadcasting rights and digital streaming, the computation of interest and late filing and late payment penalties attributable to each part of the tax should be computed separately based on their respective due dates.

**Line 11 – Interest on late payment** – If you do not pay the tax due on or before the original due date, you must pay interest on the amount of the underpayment from the original due date of the return (**without** regard to any extension of time for filing) to the date the tax is paid. Interest is always due, without any exceptions, on any underpayment of tax. An extension of time for filing does not extend the due date for the payment of tax.

**Line 12 – Additional penalties for late filing and late payment** – Compute additional charges for late filing and late payment on the amount of tax less any payment made on or before the due date (**with** regard to any extension of time for filing).

- A. If you do not file a return when due or if the request for extension is invalid, add to the tax 5% per month, up to a total of 25% (section 1085(a)(1)(A)).
- B. If you do not file a return within 60 days of the due date, the additional charge in item A cannot be less than the smaller of \$100 or 100% of the amount required to be shown as tax (section 1085 (a)(1)(B)).
- C. If you do not pay the tax shown on a return, add to the tax ½% per month, up to a total of 25% (section 1085(a)(2)).
- D. The total of the additional charges in A and C may not exceed 5% for any one month except as provided for in item B (section 1085(a)).

If you think you are not liable for these additional charges, attach a statement to your return explaining the delay in filing, payment, or both (section 1085).

**Note:** You may compute your penalty and interest by accessing our website, or you may call and we will compute the penalty and interest for you (see *Need help?*).

### Penalty for understating tax

If the tax you report is understated by 10% or \$5,000, whichever is greater, you will have to pay a penalty of 10% of the amount of understated tax. You can reduce the amount on which you pay penalty by subtracting any item for which (1) there is or was substantial authority for the way you treated it, or (2) there is

adequate disclosure on the return or in an attached statement (see Article 27 section 1085(k)).

### Civil and criminal penalties

Strong civil and criminal penalties may be imposed for negligence and fraud.

**Line 14** – If a previous return has been filed, enter the amount of tax actually paid for this event on that return.

**Line 15** – If the amount on line 14 is less than the amount on line 13, subtract line 14 from line 13, and enter the difference on line 15. This is the amount you owe.

Make your check or money order payable in U.S. funds to **Commissioner of Taxation and Finance**, and write **Authorized Combative Sports Tax** and the event reference number on your check or money order.

**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 won't 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 return payment.

**Line 16** – If the amount on line 14 is greater than the amount on line 13, subtract line 13 from line 14, and enter the difference on line 16. This is the amount we will refund to you.

The statute of limitations for a taxpayer to claim a refund of an overpayment is within three years from the filing date of the return or within two years from the date the tax was paid, whichever date is later. Since the Tax Law provides separate due dates for the filing of tax due on gross receipts from ticket sales and gross receipts on broadcasting rights and/or digital streaming, the statute of limitations for claiming refunds for each portion of the tax is also determined separately.

### Collection of debts from your refund or overpayment

We may keep all or part of your refund or overpayment if you owe a past-due, legally enforceable debt to the Internal Revenue Service (IRS), a New York State agency, or to another state, or if you owe a New York City tax warrant judgment debt. If we keep your refund or overpayment, we will notify you. If the amount of your refund or overpayment is greater than the amount we applied to your outstanding debt, the balance will be refunded or applied as an overpayment.

A New York State agency includes any state department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other entity performing a governmental or proprietary function for the state or a social services district.

The Tax Department is authorized to charge the taxpayer, as part of the taxpayer's tax debt, any cost or fee imposed or charged by the United States, or any state, for the payment or remittance of a taxpayer's overpayment to satisfy a New York State tax debt.

If you have any questions about whether you owe a past-due, legally enforceable debt to the IRS, to a state agency, or to another state, or whether you owe a New York City tax warrant judgment debt, contact the IRS, the state agency, the other state, or the New York City Department of Finance.

For New York State tax liabilities only, call 518-457-5434 or write to: NYS Tax Department, Civil Enforcement Division, W A Harriman Campus, Albany NY 12227-4000.

### Third-party designee

If you want to authorize another individual (third-party designee) to discuss this tax return with the New York State Tax Department, mark an **X** in the Yes box in the third-party designee area of your

return. Also print the designee's name, phone number, email address, and any five-digit number the designee chooses as his or her personal identification number (PIN). If you want to authorize the paid preparer who signed your return to discuss the return with the Tax Department, print the preparer's name in the space for the designee's name and enter the preparer's phone number in the space for the designee's phone number. You do not have to provide the other information requested. If you do not want to authorize another person, mark an **X** in the *No* box.

If you mark the *Yes* box, you are authorizing the Tax Department to discuss with the designee any questions related to this return. You are also authorizing the designee to give and receive confidential taxpayer information relating to:

- this return, including missing information,
- any notices or bills arising from this filing that you share with the designee (they will not be sent to the designee),
- any payments and collection activity arising from this filing, and
- the status of your return or refund.

This authorization will not expire but will only cover matters relating to this return. If you decide to revoke this designee's authority at any time, call us (see *Need help?*).

You are not authorizing the designee to receive your refund, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want someone to represent you or perform services for you beyond the scope of the third-party designee, you must designate the person using a power of attorney (for example, Form POA-1, *Power of Attorney*).

### Certification

Sign and date the return and enter your official title and telephone number. Only the taxpayer or an authorized agent may sign the return.

If anyone other than an employee, owner, partner, or officer of the business is paid to prepare the return, see *Paid preparer's responsibilities* below.

**Paid preparer's responsibilities** – Under the law, all paid preparers must sign and complete the paid preparer section of the form. 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.

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

See our website for more information about the tax preparer registration requirements.

### 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](http://www.tax.ny.gov)**

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

### Telephone assistance

Miscellaneous Tax Information Center: 518-457-5735

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