
Appendix J: Tax Department Credit Forms and Instructions



CT-248

Staple forms here

New York State Department of Taxation and Finance

Claim for Empire State Film Production Credit

Tax Law — Sections 24 and 210.36

All filers must enter tax period:

beginning [] ending []

Name [] Employer identification number (EIN) []

Attach to Form CT-3, CT-3-A, or CT-3-S.

Part 1 — Computation of film production credit available for use

Table with 5 rows for film production credit computation (lines 1-5)

Part 2 — Computation of film production credit used, refunded, and carried forward

Table with 17 rows for film production credit used, refunded, and carried forward (lines 6-17)

Part 3 — Partnership information

Table with 3 columns: Name of partnership, Partnership's EIN, Credit amount allocated

Instructions

General Information

For tax years beginning on or after January 1, 2004, Tax Law sections 24 and 210.36 provide for tax credits for the film and television production industry. The Empire State film production credit (also referred to simply as the *film production credit*) is available to taxpayers subject to tax under Article 9-A (general business corporations) or Article 22 (personal income tax). This form is for taxpayers subject to tax under Article 9-A. Those subject to tax under Article 22, complete Form IT-248, *Claim for Empire State Film Production Credit*.

The credit is equal to 10% of the qualified production costs paid or incurred in the production of qualified films and television shows. The credit may not reduce the tax due below the fixed dollar minimum tax. Any amount not used in the current tax year may be refunded or credited as an overpayment to next year's tax. The refund is limited to 50% of the excess credit in the current year; the balance may be carried forward to the following tax year and may be deducted from the tax in that year. All remaining excess after application in the succeeding year may also be refunded or credited as an overpayment to the succeeding tax year. No interest will be paid on the refund.

The amount of credit allowed for the current tax year is allocated by the New York State Governor's Office for Motion Picture and Television Development. Attach a copy of your certificate from this office for the credit allowed. For rules and regulations regarding the credit, contact the New York State Governor's Office for Motion Picture and Television Development at nyfilm@empire.state.ny.us or call (212) 803-2330.

Corporate partners

If you are a corporate partner who has film production credits passed through to you from a partnership, enter your pro rata share of the film production credits passed through to you from the partnership in Part 1, line 2. Also, enter the name and employer identification number of the partnership in Part 3. Enter on line 1 only the amount of film production credit allocated to your corporation by the New York State Governor's Office for Motion Picture and Television Development.

New York S corporations

New York S corporations will calculate an amount of film production credit. However, the S corporation may not use the film production credit against its own tax liability; instead, the credit is passed through to the shareholders to use against their personal income tax liabilities on their New York State tax returns.

New York S corporations complete only lines 1 through 5. Include the line 5 amount on Form CT-34-SH, *New York S Corporation Shareholders' Information Schedule*, which is filed with your New York State corporation tax return. Attach a copy of Form CT-248 to your Form CT-3-S, *New York S Corporation Franchise Tax Return*.

Provide all shareholders with the amount of their pro rata share of the film production credit calculated. The shareholders will file their own Form IT-248 to claim the credit on their New York State personal income tax returns.

Combined filers

A taxpayer filing a combined return as a member of a combined group is allowed to claim the film production credit. The film production credit is computed on a separate basis, but is applied against the combined tax.

Line instructions

Part 1 - Computation of film production credit available for use

Line 1 — Obtain this amount from the New York State Governor's Office for Motion Picture and Television Development. Attach your certificate.

Line 2 — Obtain this amount from the partnership(s) allocating this credit to you. Also complete Part 3, *Partnership information*.

Line 4 — Obtain this amount from the previous tax year's Form CT-248, line 14.

Line 5 — New York S corporations include this amount on Form CT-34-SH.

Part 2 — Computation of film production credit used, refunded, and carried forward (*New York S corporations do not complete this part*)

Line 7 — You must apply certain credits before the film production credit. Refer to Form CT-600-I, *Instructions for Form CT-600, Ordering of Corporation Tax Credits*, for the proper ordering of your credits. If you are claiming more than one credit, enter the total amount of credits applied against the current year's corporation franchise tax before the film production credit. If the film production credit is the only credit that is being applied against the current year's corporation franchise tax, enter **0**. If filing as a member of a combined group, include any amount of tax credit(s), including the film production credit(s), being claimed by other members of the combined group that you want to apply before the film production credit claimed on this form.

Need help?



Internet access: www.nystax.gov
(for information, forms, and publications)



Fax-on-demand forms: 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

Corporation Tax Information Center: 1 888 698-2908

From areas outside the U.S. and outside Canada: (518) 485-6800

Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110



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.



Claim for Empire State Film Production Credit

IT-248

Tax Law — Section 24, Section 606(gg)

File this form with your personal income tax return, Form IT-201, IT-203, IT-204, or IT-205.

Name(s) as shown on return	Taxpayer identification number
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Part 1 — Computation of credit

1 Empire State film production credit (attach a copy of the certificate(s) of tax credit from the Governor's Office for Motion Picture and Television Development)	1.	.	.
2 Partner, shareholder, beneficiary share of credit from Part 2, line 17	2.	.	.
3 Add lines 1 and 2.....	3.	.	.
4 Fiduciary: Enter the credit allocated to beneficiaries from Part 3, column C	4.	.	.
5 Total Empire State film production credit (subtract line 4 from line 3).....	5.	.	.
Partnerships — Enter the line 5 amount on Form IT-204, line 25.			
All others — Continue with line 6.			
6 Enter amount from Form IT-201, line 39; Form IT-203, line 46; or Form IT-205, line 8 if a resident, or line 9 if a nonresident or part-year resident	6.	.	.
7 Enter amount from Form IT-201-ATT, line 21; Form IT-203-ATT, line 20; or Form IT-205, line 12....	7.	.	.
8 Add lines 6 and 7.....	8.	.	.
9 Other credits (see instructions)	9.	.	.
10 Subtract line 9 from line 8.....	10.	.	.
11 Nonrefundable portion of credit — Enter the amount from line 5 or line 10, whichever is less: Individuals — Enter the line 11 amount and code 248 on Form IT-201-ATT, line 6, or Form IT-203-ATT, line 7. Fiduciaries — Include the line 11 amount on Form IT-205, line 10.	11.	.	.
12 Subtract line 11 from line 5 (see instructions)	12.	.	.
13 Multiply line 12 by 50% (.5)	13.	.	.
14 Prior-year carryover from 2005 Form IT-248, line 16	14.	.	.
15 Refundable portion of credit (add lines 13 and 14).....	15.	.	.
Individuals — Enter the line 15 amount and code 248 on Form IT-201-ATT, line 12, or Form IT-203-ATT, line 12.			
Fiduciaries — Include the line 15 amount on Form IT-205, line 33.			
16 Subtract line 13 from line 12. This is the amount of credit to be carried forward to next year	16.	.	.

Part 2 — Partnership, New York S corporation, and estate and trust information

For *Type*, enter **P** for partnership, **S** for S corporation, or **ET** for estate or trust (attach additional sheets if necessary).

A — Name of entity	B — Type	C — Employer identification number	D — Share of credit
17 Total (Add amounts in column D; include amounts from attached sheets. Enter here and on line 2 above.) ..			17.

Part 3 — Beneficiary's and fiduciary's share of Empire State film production credit

A — Beneficiary's name (same as on Form IT-205, Schedule C)	B — Identifying number	C — Share of credit
Total		
Fiduciary		

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Instructions



For 2006, this form is not eligible for e-file. If you are attaching this form to your return, you must file on paper.

General information

For tax years beginning on or after January 1, 2004, Tax Law sections 24 and 606(gg) provide for tax credits for the film and television production industry. The Empire State film production credit (also referred to as the *film production credit*) is available to taxpayers subject to tax under Article 22 (personal income tax) or Article 9-A (general business corporations). Form IT-248 is for taxpayers subject to tax under Article 22. Those subject to tax under Article 9-A (including New York S corporations), should complete Form CT-248, *Claim for Empire State Film Production Credit*.

The credit is equal to 10% of the qualified production costs paid or incurred in the production of certain qualified films and television shows. If the amount of the credit allowable for any tax year exceeds the tax for that year, 50% of the excess is treated as an overpayment to be credited or refunded. No interest will be paid on the refund. The remaining excess may be carried over to the following tax year and may be deducted from the tax in that year. Any excess after application in the succeeding year is treated as an overpayment to be credited or refunded. No interest will be paid on the refund.

If the film production credit is claimed for *qualified production costs*, no other income tax credit may be claimed for those costs.

The amount of credit allowed for the current tax year is allocated by the New York State Governor's Office for Motion Picture and Television Development. **Attach a copy of your certificate of tax credit from this office for the credit allowed.** For rules and regulations regarding the credit, contact the New York State Governor's Office for Motion Picture and Television Development at nyfilm@empire.state.ny.us or call (212) 803-2330.

Eligibility

After receiving a certificate of tax credit from the New York State Governor's Office for Motion Picture and Television Development, the following taxpayers, subject to tax under Article 22, are eligible to claim the film production credit by filing Form IT-248:

- individuals (including sole proprietors);
- fiduciaries of estates and trusts;
- partners in a partnership (including members of an LLC if the LLC is treated as a partnership for federal tax purposes);
- shareholders of a New York S corporation; **and**
- beneficiaries of an estate or trust.

Taxpayers subject to tax under Article 9-A must complete Form CT-248, *Claim for Empire State Film Production Credit*.

Important reminder to file a complete return

You must complete all required schedules and forms that make up your return, and include all pages of those forms and schedules when you file. Attach **only** those forms and schedules that apply to your return, and be sure that you have made all required entries. Returns that are missing required pages or that have pages with missing entries are considered incomplete and cannot be processed, and may subject taxpayers to penalty and interest.

Filing in your tax forms

For complete information on how to fill in New York State scannable income tax forms, see the instructions for:

- resident return (Form IT-201),
- nonresident and part-year resident return (Form IT-203),

- partnership return (Form IT-204), **or**
- fiduciary return (Form IT-205).

Also see the instructions for the above returns for the *Privacy notification* or if you need help contacting the Tax Department.

Line instructions

Individuals (including sole proprietors): Complete Part 1, lines 1 through 16. **Partnerships**: Complete Part 1, lines 1 through 5. **Partners in a partnership, shareholders of a New York S corporation, and beneficiaries of an estate or trust**: Complete Part 1, lines 2 through 16 and Part 2. **Fiduciaries**: Complete Part 1, lines 1 through 16, and Part 3. An estate or trust that divides the credit among itself and its beneficiaries must attach Form IT-248 to Form IT-205, showing each beneficiary's share of credit.

Part 1 — Computation of credit

Line 1 — Obtain this amount from the certificate of tax credit issued by the Governor's Office for Motion Picture and Television Development. Attach a copy of the certificate to Form IT-248. If you have more than one certificate, include the total from all certificates on line 1 and attach copies of all certificates.

Line 2 — Partners, shareholders, and beneficiaries: Enter the amount from Part 2, line 17.

Line 4 — Fiduciary: Enter the amount of credit that was allocated to beneficiaries in Part 3, Column C.

Line 9 — Enter the amount of other credits from the applicable form:

- **Individuals** — Enter the amount from Form IT-201, line 43, or Form IT-203, line 47, before any Empire State film production credit.
- **Fiduciaries** — Enter the amount from Form IT-205, line 10, before any Empire State film production credit.

Line 11 — Enter the amount from line 5 or line 10, whichever is less. This is your **nonrefundable** portion of the Empire State film production credit. Transfer this amount to the applicable form as shown below line 11.

Line 12 — If zero, and you have no prior-year carryover, stop; you do not have any refundable credit or credit to be carried forward to next year.

Line 16 — Subtract line 13 from line 12. This is the amount of credit to be carried forward to next year. You will need this figure to complete your 2007 Form IT-248.

Part 2 — Partnership, New York S corporation, and estate and trust information

Enter the appropriate information for each partnership, S corporation, or estate or trust for which you received a share of the Empire State film production credit. If you need more space, attach a separate schedule.

Part 3 — Beneficiary's and fiduciary's share of Empire State film production credit

If an estate or trust allocates or assigns the credit to its beneficiaries, base the division on each beneficiary's proportionate share of the income of the estate or trust.

Please file this original scannable credit form with the Tax Department.

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