

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-M-92 (2) C
Corporation Tax
May 28, 1992

Extension of Metropolitan Business Tax (MTA) Surcharge
Articles 9, 9-A, 32 and 33

Sections 53-60 of Chapter 55 of the Laws of 1992 amends Sections 183-a, 184-a, 186-b, 186-c, 189-a, 209-B, 1455-B and 1505-a of the Tax Law to extend the Metropolitan Business Tax Surcharge (hereinafter referred to as the MTA Surcharge) for an additional year. This additional period will encompass calendar year 1992, fiscal year 1992-1993 and short periods ending before December 31, 1993. The surcharge rate will be 17% for all sections of the Tax Law amended by Chapter 55 of the Laws of 1992.

Section 61 of Chapter 55 of the Laws of 1992 provides that no addition to tax under section 1085(c) shall be imposed with respect to required declarations or payments of estimated MTA Surcharge due under sections 184-a, 186-b, 186-c, 209-B, 1455-B or 1505-a if any payments due are made by June 15, 1992. This section also provides that no interest under section 1084 or addition to tax under section 1085(a) shall be made with regards to payments of tax surcharge due under section 189-a if any payment due is made by the due date of the 5/31/92 quarterly report.

The MTA Surcharge will be imposed on corporations doing business in the Metropolitan Commuter Transportation District. The Metropolitan Commuter Transportation District consists of the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester.

Sections 183-a and 184-a imposes the MTA Surcharge on transportation and transmission corporations doing business in the Metropolitan Commuter Transportation District. Since Section 183 is an advance tax, the surcharge due under Section 183-a is computed on the preceding years Section 183 tax. The surcharge computed under Section 184-a is computed on the current year's tax computed under Section 184. See TSB-M-83(2)C for additional details regarding the computation of the MTA Surcharge on transportation and transmission corporations taxable under Section 183 and 184 of Article 9 of the Tax Law.

Section 186-b imposes the MTA Surcharge on utility corporations taxable under Section 186 and doing business in the Metropolitan Commuter Transportation District. See TSB-M-83(3)C for additional details on the MTA Surcharge on waterworks, gas, electric, steam heating, lighting or power corporations taxable under Section 186 of Article 9 of the Tax Law.

Section 186-c imposes the MTA Surcharge on utilities taxable under Section 186-a and doing business in the Metropolitan Commuter Transportation District. Any Section 186-a taxpayer which is allowed the Article 13-A utility tax credit, must add this credit back to tax before it computes the surcharge. See TSB-M-83(4)C for additional details on the MTA Surcharge on utilities taxable under Section 186-a of the Tax Law.

Section 189-a imposes the MTA Surcharge on the importation of natural gas into the Metropolitan Commuter Transportation District. See TSB-M-91(5)C for additional details on the MTA Surcharge on the importation of natural gas.

Section 209-B imposes the MTA Surcharge on corporations, except New York S corporations, taxable under Article 9-A of the Tax Law and doing business in the Metropolitan Commuter Transportation District. See TSB-M-83(5)C for any additional details on the MTA Surcharge on corporations taxable under Article 9-A of the Tax Law or TSB-M-90(II)C for information regarding New York S corporations.

Section 1455-B of the Tax Law imposes the MTA Surcharge on banking corporations taxable under Article 32 of the Tax Law and doing business in the Metropolitan Commuter Transportation District. See TSB-M-83(6)C for additional details on the MTA Surcharge on banking corporations taxable under Article 32 of the Tax Law.

Section 1505-a of the Tax Law imposes the MTA Surcharge on insurance corporations taxable under Article 33 of the Tax Law and doing business in the Metropolitan Commuter Transportation District. See TSB-M-83(7)C for additional details on the MTA Surcharge on insurance corporations taxable under Article 33 of the Tax Law.

Sections 183-a, 184-a, 186-b, 189-a, 209-B, 1455-B and 1505-a provide the 17% MTA Surcharge will be computed on tax after the deduction of all tax credits. Section 186-c provides the 17% MTA Surcharge will be computed on tax after credits, except the Article 13-A utility tax credit.

The provisions of Chapter 55 of the Laws of 1992 shall take effect immediately.