



CT-4-I Instructions for Form CT-4 General Business Corporation Franchise Tax Return Short Form for Small Businesses

General Information

Who Must File

All general business corporations other than New York "S" corporations must file franchise tax returns using Form CT-3 or Form CT-4. This includes both corporations organized under New York State law and foreign corporations (those organized under the laws of any other state or country) that do business, employ capital, own or lease property or maintain an office in New York State.

A general business corporation includes all corporations except:

- Banking corporations (Article 32)
- Insurance corporations (Article 33)
- Transportation and transmission corporations (Article 9)
- Utility companies (Article 9)
- Farmers and agricultural cooperatives (Article 9)
- Nonstock, not-for-profit corporations (these may be subject to an unrelated business income tax) (Article 13)

Exception: For periods beginning on or after January 1, 1988, foreign taxicab and foreign omnibus corporations that annually conduct fewer than 12 trips into New York State, are exempt from filing Form CT-3. However, if the corporation fails to file Form CT-184-R and pay the required tax or files Form CT-184-R late, it will then be taxable under Article 9-A that tax year and must file Form CT-3 and pay the appropriate taxes, interest and penalties. See Form CT-184-R and TSB-M-88(8)C for more information.

S corporations: a general business corporation that has elected (by filing Form CT-6) to be treated as an "S Corporation" and pay New York State personal income tax rather than corporation franchise tax must file an information return (Form CT-3-S) instead of Form CT-3 or Form CT-4.

Who May Use the Short Form

Form CT-4 is a simplified general business franchise tax return that will meet the filing needs of most small businesses.

You may use this short form if:

- You are a qualified **small business taxpayer**. A corporation qualifies as a small business taxpayer if:

Its entire net income (before allocation) is not more than \$290,000; and

The total amount of money and other property it received for stock, as a contribution to capital and as paid-in surplus, is not more than \$1 million as of the last day of its taxable year; and

The corporation is not part of an affiliated group, as defined in IRC section 1504, unless the group itself would have met the above criteria if it had filed a combined return; and

- Your tax is less than \$1,000. (Your tax will be more than \$1,000 if your entire net income base is more than \$12,500 or if your capital base is more than \$561,798.)

You must use Form CT-3 if your tax is more than \$1,000 or you do not meet all of the above conditions as a small business taxpayer. Even if you do meet the above qualifications, you must file Form CT-3 if **any** of the following conditions exist:

- you claim a deduction for a net operating loss, capital loss or optional depreciation.
- you claim any tax credits. Tax credits include eligible business facility tax credit, investment tax credit, special additional mortgage recording tax credit, research and development tax credit carryover and economic development zone credits.
- you are a real estate investment trust, a taxable domestic international sales corporation (DISC) or a stockholder in a DISC (see "Special Instructions for DISCS").
- you have business income or capital attributable to sources outside New York State. (You must use Form CT-3 and allocate this income and capital to avoid paying New York tax on the entire amount.)
- you have investment income or capital. (You must use Form CT-3 and allocate to avoid paying tax on the entire amount unless your investment income and capital are less than 25% of total income and capital.)
- you have a subsidiary (another corporation you control because you own more than half of its voting stock).
- you claim exemption from the franchise tax based on business and investment capital of a new small business corporation (section 210.1-c).

When and Where to File

File your return within 2½ months after the end of your reporting period. If you are reporting for the 1988 calendar year, file your return on or before March 15, 1989.

Mail returns to:

NYS Corporation Tax
Processing Unit
P.O. Box 1909
Albany, NY 12201-1909

If you cannot meet the filing deadline, ask for a six-month extension of time by filing Form CT-5.

You may be subject to other business taxes such as:

Sales and Use Tax - If you sell goods and services delivered in New York State you may have to collect and remit the New York State sales and use tax.

Employer's Withholding Tax - If you hire anyone to help operate your business in New York State you must withhold New York State income taxes from the wages of your employee.

Motor Fuel Taxes - Motor fuel distributors and diesel motor fuel distributors or users in New York State must register with the Tax Department and file the appropriate tax returns.

Highway Use Taxes - Any motor vehicle, having a maximum gross weight, alone or in combination with another motor vehicle of more than 18,000 lbs. is subject to this tax.

For more information contact the Taxpayer Assistance Bureau, see page 4, for address and telephone numbers.

Tax Rates

Tax rates have been reduced for periods beginning on or after **January 1, 1987**. The current rates are:

Entire net income base09
Entire net income base for qualified small business taxpayers, entire net income of \$200,000 or less08
Capital base00178
Fixed dollar minimum*	\$250
Qualified cooperative housing capital base0004

*The fixed dollar minimum tax and maintenance fee may be reduced for short periods:

• A period of not more than 6 months	50% reduction
• A period of more than 6 months but not more than 9 months	25% reduction
• A period of over 9 months	no reduction

Cooperative Housing Corporation

A qualified cooperative housing corporation is entitled to use a reduced tax rate of .0004 when computing its tax using the capital base.

A corporation that has only one class of stock which entitles the shareholder to live in a house or an apartment in a building owned or leased by a corporation may be a cooperative housing corporation. For a complete definition see IRC section 216 or NYCCR 3-1.2. For more information see line-by-line instructions for Forms CT-3 or CT-4, *Computation of Capital Base*.

Metropolitan Transportation Business Tax Surcharge

Any corporation taxable under Article 9-A that does business, employs capital, owns or leases property or maintains an office in the Metropolitan Commuter Transportation District must file Form CT-3M/4M and pay a tax surcharge. The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester.

The tax surcharge rate is 17% for calendar year 1988 or for fiscal years ending in 1989.

Foreign Corporations Annual Maintenance Fee

A corporation organized outside of New State that is authorized to do business in

New York must pay an annual maintenance fee of \$200. This fee may be claimed as a credit against tax due under Article 9-A. Full payment of the franchise tax due will satisfy the maintenance fee requirement. It is not necessary to file a separate return. If you claim nontaxability in New York State because you did not employ capital, maintain an office or otherwise do business in New York State, you must file Form CT-245 and pay the maintenance fee.

Foreign Corporations License Fee

A foreign corporation must also pay a license fee, based on its issued capital stock. For details see Form CT-240, *Report of License Fee*.

Interest and Penalties

Late Payment - Interest

You must pay the entire tax due on or before the original due date of the return to avoid a late payment charge. An extension of time for filing the tax return does not extend the date for payment of tax.

If you do not pay the tax due on or before the due date, you must pay interest on the amount of the underpayment from the due date to the date paid. Interest is **always due**, without any exceptions, on any underpayment of tax.

Interest is compounded daily. Determine the interest rate in accordance with Part 603 of the Tax Regulations. You may call the Taxpayer Assistance Bureau for the current interest rate or to have the interest computed for you at 1 800 CALL TAX (1 800 225-5829); outside New York State, (518) 438-8581.

Late Filing - Additional Charges

Additional charges for late filing are computed on the amount of tax less any payment made on or before the due date.

- a. If you do not file a return when due or if the application 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 addition to tax 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 fail to 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 (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).

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 part 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)).

Omnibus Tax Equity and Enforcement Act

The Omnibus Tax Equity and Enforcement Act imposes strong civil and criminal penalties for negligence or fraud. For more information about this act contact the Taxpayer Assistance Bureau (address and telephone numbers on page 4).

Federal and State Privacy Notification

The authority to request this personal information, including identifying numbers (social security numbers, etc.) is found in sections 211, 213-a and 1096, Article 9-A in general of the Tax Law and Parts 6 and 7 of the Business Corporation Franchise Tax Regulations. The principal purpose for which the information is collected is to assist the Department of Taxation and Finance in determining New York State corporation tax liabilities under Article 9-A of the Tax Law.

The information will be used for tax administration and as necessary under Tax Law section 211 and for any other purpose authorized by law, and when the taxpayer gives written authorization to this department for another department, person, agency or entity to have access, limited or otherwise, to information contained in its return.

Failure to provide the requested information may result in civil penalties under sections 217 and 1085 of the Tax Law and Part 9 of the Business Corporation Franchise Tax Regulations and/or criminal penalties under Article 37 of the Tax Law.

The authority to maintain this information is found in section 211(7) of the Tax Law. This information will be maintained by the Director, Data Management Services Bureau, Processing Division, Department of Taxation and Finance, W.A. Harriman Campus, Building 8, Room 905, Albany, New York 12227, telephone 1 800 CALL TAX (1 800 225-5829); outside New York State (518) 438-8581.

Change of Business Information

If there have been any changes in your business' name, ID number, mailing address, business address, telephone number or owner/officer information, complete Form DTF-95, *Change of Business Information*. If you don't have a form, call 1 800 462-8100 (from out of state (518) 438-1073) to request one.

Final Return

Do not mark a franchise tax return "Final" unless a legal dissolution or surrender of authority is in progress and you are going out of business. For detailed information about the legal dissolution and surrender of authority see Publication 110, *Termination of Business Corporations*.

Whole Dollar Amounts

Amounts may be shown in whole dollars rather than dollars and cents. Round an amount from 50 cents through 99 cents to the next higher dollar and round any amount less than 50 cents to the next lower dollar. If you round to the nearest dollar, round for all amounts.

Processible Forms

Returns must be prepared in a manner that will permit their routine handling and processing. Interest will not be paid on an overpayment of taxes until the return is in a processible form.

Use of Reproduced Forms

Photocopies of returns are acceptable if they are of good quality and are signed in the proper place.

Computerized Returns

Computer-produced corporation tax returns will be accepted if you have received

permission to file them and if they meet our specifications. For information write to:

NYS Tax Department
Taxpayer Assistance Bureau
W. A. Harriman Campus
Albany, NY 12227

Signature

The return must be certified by the president, vice president, treasurer, assistant treasurer, chief accounting officer or other officer authorized by the taxpayer.

If an outside individual or firm prepared the return, the signature of the person and the name of the firm must be included.

Resolving Tax Problems

The best ways to avoid tax problems are to keep accurate tax records and to stay on top of current tax requirements.

We have free publications you can order and toll-free numbers you can call for answers to your specific questions.

Most tax problems can be resolved informally. If you receive a tax deficiency notice that you think is in error, promptly call the number listed on the notice.

Only a relative handful of tax problems fail to be resolved by informal means. However, if you are issued a *Notice of Deficiency* or a refund denial and you feel that the Tax Department has made a mistake, you still have a number of options available to you:

- You can request a **conciliation conference** through the newly established Bureau of Conciliation and Mediation Services. The conference is conducted informally by a conferee who issues an order that is binding on the Tax Department but not on you (you can appeal by filing a petition for a formal hearing, as explained below). To set up a conference, get a *Request for Conciliation Conference*, Form CMS-1, by calling toll free 1 800 462-8100 or by writing to the Bureau of Conciliation and Mediation Services, NYS Tax Department, W. A. Harriman Campus, Albany, NY 12227.
- You can request a **small claims hearing** before an impartial presiding officer if the disputed amount is within certain dollar limitations set by the *Rules of Practice and Procedure*. The presiding officer's decision is final, but at any time before the end of the small claims hearing, you can request a transfer to a formal hearing before an administrative law judge. A copy of the *Rules of Practice and Procedure* will be sent to you when you request a petition form as explained below.
- You can file a petition for a **tax appeals hearing**. The hearing is held before an administrative law judge, and both you and the Tax Department may appeal the judge's decision to the Tax Appeals Tribunal.

The Tax Department cannot seek a review of the Tribunal's decision, but you can by instituting an Article 78 proceeding in the Appellate Division of the State Supreme Court. You can get the petition forms by writing to the Division of Tax Appeals, Building 9, W. A. Harriman Campus, Albany, NY 12227.

Line-by-Line Instructions for Form CT-4

Reporting Period

Your tax year for New York State must be the same as your federal tax year. If it is not a calendar year, be sure to enter the correct reporting period at the top of page 1 of your return.

Principal Business Activity

Enter the one activity that accounts for the largest percentage of your total income. State the broad field of business activity as well as the specific product or service (e.g. mining copper, wholesale meat, retail men's apparel, real estate rental). Be sure to enter the business group code number from your federal return.

Metropolitan Transportation Business Tax Surcharge

A corporation that does not do business, employ capital, own or lease property in the Metropolitan Commuter Transportation District must disclaim liability for the tax surcharge by answering "No", and is no longer required to file Form CT-3M/4M.

Line A — Payment

Line A — After completing your return, enter the amount of your payment enclosed. This must be the full amount shown on line 24.

Lines 1-9

Computation of Entire Net Income Base

Line 1 — Enter your federal taxable income (before net operating loss and special deductions).

- If you file federal Form 1120, use the amount from line 28.
- If you file federal Form 1120-A, use the amount from line 24.
- If you are an S corporation filing federal Form 1120S but you have not made an election to be treated as a New York State S corporation, you must determine the amount you would have had to report as federal taxable income, before net operating loss and special deductions, were you not a federal S corporation. Attach a separate sheet showing how you determined this amount. In general, the items affected are:

Dividends - Form 1120, line 4
Interest - Form 1120, line 5
Capital gain net income - Form 1120, line 8
Contributions - Form 1120, line 19

Line 2 — Enter all interest received or accrued from federal, state, municipal and other obligations that was exempt from federal tax and not included on line 1. You may deduct from this amount any expenses attributable to that interest but denied

deductibility under IRC Section 265. Attach a list of items included on this line.

Line 3 — Enter the amount deducted on your federal return for New York taxes imposed under Articles 9-A, 13-A and 32. Enter the amount deducted for taxes paid or accrued to other US states, their political subdivisions and the District of Columbia if they are on or are measured by profits or income, or include profits or income as a measure, including taxes expressly in lieu of the foregoing. Include the metropolitan transportation business tax surcharge (CT-3M/4M). However, do not include New York City taxes.

Line 4 — Enter the amount deducted in computing federal taxable income for interest on indebtedness directly or indirectly owed to:

- Each individual stockholder who alone or together with a member of his or her immediate family owns more than 5% of the issued capital stock. "Immediate family" means brothers and sisters, of whole or half blood, spouse, ancestors and descendants.
- Each corporate stockholder, including its subsidiaries, that owns more than 5% of the issued capital stock.

You may deduct \$10,000 or 10% of the interest, whichever is larger.

Line 5 or 7 — Before making entries on lines 5 or 7, complete Form CT-399, *Schedule for Depreciation Adjustments*.

Line 5 — Enter the amount of your federal Accelerated Cost Recovery System (ACRS) deduction that must be added back to federal taxable income from *Schedule for Depreciation Adjustments*, Form CT-399, line 4 or if you have disposed of property this year use the amount from line 12, Column A.

Line 6 — Add lines 1 through 5.

Line 7 — Enter the amount of allowable New York State depreciation deduction from Form CT-399, line 5, Column I, or if you have disposed of property this year use the amount from line 12, Column B. Attach Form CT-399, *Schedule for Depreciation Adjustments*, and federal Form 4562, *Depreciation and Amortization Schedule*.

Line 8 — Subtract line 7 from line 6. This is your entire net income base. If this line is over \$12,500, do not continue; you must use Form CT-3.

Line 9 — Multiply line 8 by the tax rate of 8% (.08).

Lines 10-17

Computation of Capital Base

The Business Tax Reform and Rate Reduction Act of 1987 did not change the rate of the tax on the capital base. However, several changes were made to the method used to determine the capital base. Please read these revised instructions with care.

To determine the value of your assets for the capital base computations, you must include real property and marketable securities at fair market value. All other property must now be included at the value shown on your books in accordance with generally accepted accounting principles. Use lines 10 through 14 to adjust the assets you reported on your federal return.

On lines 10 through 15, enter the values at the beginning of the year in Column A and at the end of the year in Column B. Enter the average value in Column C. **Average value** is generally computed quarterly if your usual accounting practice permits it. However, you may use a more frequent basis such as monthly, weekly or daily. If your usual accounting practice does not permit a quarterly or more frequent computation of the average value of assets, you may use a semiannual or annual computation if no distortion of average value results.

Line 10 — Enter your total assets from the balance sheet of your federal tax return.

Line 11 — Enter the federal balance sheet value of any real property and marketable securities included on line 10.

Line 12 — Subtract line 11 from line 10.

Line 13 — Enter the fair market value of real property and marketable securities included on line 11. **The fair market value of an asset is the price (without deduction of an encumbrance whether or not the taxpayer is personally liable) at which a willing seller will sell and a willing purchaser will buy.**

You can generally find the fair market value of marketable securities from price quotes in financial newspapers. To determine fair market value of real property, you might consider recent sales of similar property.

A Cooperative Housing Corporation may determine the fair market value of its real estate, when only its assessed value for real property tax purposes is known, by dividing the assessed value by the equalization rate. The equalization rate may be obtained from the State Board of Equalization and Assessment. Once a method of determining average fair market value is adopted by the taxpayer and is accepted by the tax commissioner, the method may not be changed on any subsequent return without the prior consent of the tax commissioner. (See TSB-M-85(18)C).

Line 14 — Add lines 12 and 13.

Line 15 — Enter the amount of all liabilities (both long and short term) when computing capital base. Use the same method of averaging used to determine average value of assets.

Line 16 — Subtract line 15, Column C, from line 14, Column C. This is your total capital base. If this line is over \$561,798 do not continue; you must use Form CT-3.

Line 17 — Multiply line 16 by the tax rate of .00178.

Line 18

Fixed Dollar Minimum Tax

Line 18 — Enter \$250 unless your tax period was nine months or less. See "Tax Rates" on page 1 for details.

Line 19-20

Tax Computation

Line 19 — Enter the amount from line 9, 17, or line 18, whichever is largest.

Exception — if the tax based on capital (line 17) is larger than the tax based on entire net income (line 9) only because of the 8% (.08) tax rate, then the lower amount becomes the franchise tax due. Use the worksheet on page 4 to determine if this exception applies to you. The purpose of the worksheet is to compare the tax on entire net income base using the small business taxpayer's reduced tax rate and the regular tax rate of 9% (with the tax based on the capital base. 327)

Worksheet

A. Tax on capital base
from line 17.....

B. ENI base from line 8
\$ _____ × .08

C. ENI base from line 8
\$ _____ × .09

If line A is the largest amount, enter that amount on line 19.

If line C is the largest amount, enter the line B amount on line 19.

However, the tax due cannot be less than the fixed dollar minimum on line 18.

Line 20 — Enter the total of all prepayments made for the period covered by this return. If you have filed an application for extension (Form CT-5) and you entered an amount on line 3 of that form (mandatory 25% installment) do not use this form; use Form CT-3.

Lines 22 and 23 — If you are not filing this return on time, you must pay interest and additional charges. See page 2 for interest and additional charges for late filing.

Line 25 — You may apply an overpayment or part of an overpayment of tax as a credit to your metropolitan transportation business tax surcharge or to your next tax period, or you may have it refunded. Indicate on lines 26 through 29 the amounts you wish transferred as credits or refunded.

General Information Required

Lines 32 & 33 — Real Property Gains Tax. Every corporation with an interest in real property located in New York State must keep a record of the transfer of its stock and report annually every transfer of a controlling interest in the stock and any other information that may be required to enforce this tax (Article 31-B, section 1449-a).

Controlling interest is either 50 percent or more of the total combined voting power of all classes of stock or 50 percent or more

of the capital, profits or beneficial interest in that voting stock.

Answer both questions (lines 32 and 33). If you answer "Yes" to both questions, attach a separate sheet providing the following information.

- Name, address and identification number of the new controlling stockholder (use social security number for individuals and federal employer identification number for corporations).
- Date transfer was made.
- Location of real property.
- Whether the corporation is a cooperative housing corporation.

Lines 34-36 — Enter the amounts from your federal return.

Line 39 — If you deducted from your entire net income interest payments you made to a shareholder owning directly or indirectly, individually or in the aggregate, more than 50% of the issued capital stock, complete line 39 (section 211.2-a). If you do not provide this information, you will have to pay a penalty of \$500 (section 1085(n)).

Mailing Label

Use the mailing label provided by the Tax Department.

The preprinted mailing label contains the account identification information necessary for correct and effective processing of your tax form.

Check your label to see that the information is complete and correct. If it is incorrect, make any corrections directly on the label. (You must also file Form DTF-95, *Change of Business Information*, with the Tax Department as soon as possible.)

Remove the peel-off label from the front cover of your packet and place it in the **name and address box** at the top of your corporation tax return or application for extension.

To ensure that your corporation tax forms are processed as quickly and efficiently as possible, it is important that we have the necessary identifying information from your preprinted label. If you are not using the label, please include your **employer identification number** and **file number** on each form filed. These numbers can be copied directly from the label.

If you use a paid preparer or accounting firm, make sure they use the mailing label or the label information when completing all forms prepared for you.

Mail all returns to:

NYS Corporation Tax
Processing Unit
P.O. Box 1909
Albany, NY 12201-1909

Need Help?

PHONE For forms or publications, call toll free (from New York State only) 1 800 462-8100.
From areas outside New York State, call (518) 438-1073.

For information, call toll free (from New York State only) 1 800 CALL TAX
(1 800 225-5829).
From areas outside New York State, call (518) 438-8581.

Taxpayer assistance is available Monday through Friday from 8:00 a.m. to 5:00 p.m.

WRITE If you need to write, address your letters to:

New York State Tax Department
Taxpayer Assistance Bureau
W.A. Harriman Campus
Albany, NY 12227