



Instructions for Form CT-33-M

Metropolitan Transportation Business Tax Surcharge Return

Tax Law — Article 33, Section 1505-a

Who Must File

If you do business, employ capital, own or lease property or maintain an office in the Metropolitan Commuter Transportation District (MCTD) you must pay a business tax surcharge. The MCTD includes the counties of New York, Bronx, Queens, Kings, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester.

If you file Form CT-33 (Article 33 taxpayers), use Form CT-33-M to report and pay the Metropolitan Business Tax surcharge. Corporations filing on a combined basis are required to file only one return for the combined group. Combined figures, as shown on your Form CT-33-A, should be used to complete this form.

MTB Tax Surcharge Rate

The tax rate is 17% for calendar year 1990 or fiscal year ending before December 31, 1991.

When and Where to File

File this return and any amount due within 2½ months after the end of your reporting period. If you are reporting for the 1990 calendar year, file your return on or before March 15, 1991.

Mail return to: NYS Corporation Tax
Processing Unit
P.O. Box 1909
Albany, NY 12201-1909

Extension of Time for Filing MTB Tax Surcharge Return

You may request additional time to file an MTB tax surcharge return. File Form CT-5 or Form CT-5.3 on or before the due date of the return for which the extension is requested and pay the MTB tax surcharge estimated to be due.

The payment:

- must equal or exceed your MTB tax surcharge for the preceding tax period (if it was for a period of 12 months); or
- equal or exceed 90% of the MTB tax surcharge for this period as finally determined.

Identifying Information

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 mailing label. Please include your employer identification number and file number on each form filed. These numbers can be copied directly from the label. Do not use the label on this form.

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

Change of Business Information

If there have been any changes in your business name, ID number, mailing address, telephone number or owner/officer

information, complete Form DTF-95, *Change of Business Information*. If you don't have a form, call toll free (from New York State only) 1 800 462-8100. From areas outside New York State, call (518) 438-1073.

Specific Instructions

Computation of MCTD Allocation Percentage

If you do all of your New York State business within the 12 counties of the MCTD, skip lines 1 through 8 and enter 100% on line 9.

If you do part of your business outside of the MCTD, compute your MCTD allocation by completing lines 1 through 8.

Corporations taxable under Article 33 that are filing on a combined basis must use a combined MCTD allocation percentage.

To determine the portion of business activities carried on within the MCTD:

- Line 3** - Divide premiums allocated to the MCTD by premiums allocated to New York State.
- Line 4** - Multiply the percentage on line 3 by nine.
- Line 7** - Divide wages allocated to the MCTD (line 6) by wages allocated to New York State (line 5).
- Line 8** - Add the percentages on lines 4 and 7.
- Line 9** - Divide the sum of the percentages on line 8 by ten.

Computation of MTB Tax Surcharge

- Line 10** - Enter your New York State franchise tax from your franchise tax return, Form CT-33, line 12a, or Form CT-33-A, line 15a.
- Line 11** - Multiply the amount on line 10 by the percentage on line 9.

Retaliatory Tax Surcharge Credit

Insurance corporations organized or domiciled in New York State may claim a tax credit on line 13 for 90% of retaliatory taxes paid to other states for the privilege of doing business in those states, which resulted from the imposition of the MTB tax surcharge for the 1990 tax year. To claim credit for such retaliatory taxes paid in subsequent periods based on the 1990 MTB tax surcharge, use Form CT-33-R. Form CT-33-R should also be used to claim credit for any retaliatory taxes based on each previous year's MTB tax surcharge.

The credit may not exceed the MTB tax surcharge payable pursuant to section 1505-a of the Tax Law of the Tax year for which the retaliatory taxes were paid.

You can only claim credit for the tax year for which the retaliatory taxes were paid. Any unused tax credit cannot be refunded or carried over to other tax periods.

Submit a detailed statement with the credit claim to identify the source and amount of retaliatory taxes paid for a claim year as a result of the imposition of the MTB tax surcharge.

Line 13 - Enter the smaller of 90% of retaliatory taxes paid in 1990 attributable to 1990 MTB tax surcharge or the amount of the MTB tax surcharge shown on line 12. Attach computation. Enter "0" if no retaliatory tax credit is claimed.

Line 14 - Subtract line 13 from line 12.

Line 15a - Enter any payment made with Form CT-5 or Form CT-5.3, *Application for Six-Month Extension*.

Line 15b - You can apply an overpayment of franchise tax from Form CT-33 or Form CT-33-A to this surcharge. Enter the form number, period in which the overpayment occurred (month and year) and amount to be applied. On the overpayment line of your Form CT-33 or Form CT-33-A, indicate the amount of money to be applied to the MTB tax surcharge.

Line 18 - If you do not pay the tax on or before the due date (without regard to any extension of time), you must pay interest on the amount of the underpayment from the due date to the date paid. You may call the Taxpayer Assistance Bureau for the current rate or to have the interest computed for you. From within New York State call 1 800 CALL TAX (1 800 225-5829); from outside New York State, call (518) 438-8581.

Compute the interest on the line 17 amount.

Line 19 - Additional charges for late filing are computed on the amount of tax required to be shown on the return after deduction of any payment made on or before the due date.

- a. If you do not file a return when due or if your application for extension is invalid, add to the tax 5% per month up to 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 do not pay the tax shown on a return, add to the tax ½% per month up to 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 above (section 1085(a)).

Compute these charges on the line 17 amount.

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

Line 21 - If line 14 is less than line 16, subtract line 14 from line 16. This is the amount of overpayment. You may apply all or part of your overpayment to your New York State franchise tax. Indicate on lines 22 and 23 the amount you want applied to your tax and the amount you want refunded.