



Instructions for Form CT-33-M

Metropolitan Transportation Business Tax Surcharge Return and Claim for Refund of MTB Surcharge Retaliatory Tax Credit

Tax Law — Article 33, Section 1505a

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 Metropolitan Transportation Business (MTB) 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 MTB 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.

1991 Law Change

Effective for periods beginning in 1991 a taxpayer required to pay the MTB tax surcharge and whose franchise tax plus tax surcharge (see Tax Law, section 1520) is more than \$1,000 must file a declaration of estimated MTB tax surcharge and make quarterly installment payments on Form CT-400.

MTB Tax Surcharge Rate

The tax rate is 17% for calendar year 1991 or fiscal year ending before December 31, 1992.

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 1991 calendar year, file your return on or before March 16, 1992.

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 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.

Determine MCTD premiums and MCTD wages using the same principles set out in section 1504(a) and (b) of the tax law to determine New York premiums and New York wages, salaries, commissions and other compensation.

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

- Line 3** - Divide MCTD premiums by New York premiums.
- Line 4** - Multiply the percentage on line 3 by nine.
- Line 7** - Divide MCTD wages (line 6) by New York wages (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.
- Line 10** - Enter your New York State franchise tax from your franchise tax return, Form CT-33, line 13, or Form CT-33-A, line 16.
- Line 11** - Multiply the amount on line 10 by the percentage on line 9.
- Line 13** - Insurance corporations organized or domiciled in New York State may claim a credit on this line 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 1991 tax year. Enter the smaller of 90% of retaliatory taxes paid in 1991 attributable to the 1991 MTB tax surcharge or the amount of MTB tax surcharge shown on line 12: Attach computation. Enter "0" if no retaliatory tax credit is claimed. To claim a refund for retaliatory taxes paid in 1991 as a result of the imposition of the MTB tax surcharge for a previous period, see lines 31 through 40.
- Line 15a** - If you have filed an application for extension (Form CT-5), enter the amount from line 5 of Form CT-5.

Line 15b - If you did not file Form CT-5, and your franchise tax and tax surcharge exceeds \$1,000 enter 25% of line 14. Your franchise tax and tax surcharge can be found on your tax return:

CT-33 Line 15
CT-33-A Line 18

Line 17 - Enter any MTB tax surcharge payment made with Form CT-5, *Application for Six-Month Extension*. Prepayments may be computed on the back of the form and transferred to this line. Prepayments will include any MTB tax surcharge payment made with Form CT-5 (extension) and installment payments of MTB tax surcharge on Form CT-400 and credit carryovers from prior years.

Line 18 - You can apply an overpayment of franchise tax from Form CT-33 or Form CT-33-A to the MTB tax 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 21 - If you do not pay the MTB tax surcharge 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 14 or 20 balance, whichever is less.

Line 22 - 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 1/2% 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 14 or line 20 amount, whichever is less.

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 25 - If line 16 is less than line 19, subtract line 16 from line 19. 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 26, 27 and 28 the amount you want applied to your tax and the amount you want refunded.

Line 28 - If you have any remaining overpayment from line 25 after applying part to this year's franchise tax and/or next year's MTA surcharge, enter the amount to be refunded.

Claim for Refund of MTB Surcharge Retaliatory Tax Credit

Insurance corporations organized or domiciled in New York State must use lines 31 through 40 to claim a refund for retaliatory taxes paid to other states as a result of the imposition of the metropolitan transportation business (MTB) tax surcharge. The surcharge credit available for a given year may not exceed the tax surcharge payable for that year as computed pursuant to section 1505-a of the Tax Law. The credit is claimed in the year paid but is attributed to the year in which the retaliatory taxes were imposed or assessed.

Attach a separate sheet to the refund claim, identifying the recipients of the tax and the amount paid to each recipient, broken down to reflect the year to which the taxes are attributable.

A credit cannot be claimed for taxes paid to other states on or after the *limitation date* for each surcharge tax year. The *limitation date* is the first day of the sixth calendar year beginning after the close of the calendar year in which an insurer's surcharge tax year begins. For example, for a surcharge tax year ending December 31, 1987, the limitation date for filing a claim for refund would be January 1, 1993. For a 12-month fiscal surcharge year ending November 30, 1988, the limitation date for filing a claim for refund would still be January 1, 1993. For additional information see TSB-M-85(4)C.

Line 31 - Enter MTB tax surcharge payable for the years for which a credit is being claimed as reported on line 12.

Line 32 - Enter retaliatory tax credits allowed in prior years that are attributable to the MTB tax surcharge. Include all credits claimed on Form CT-33-M or previously filed Forms CT-33-R.

Line 34 - Enter 90% of retaliatory taxes paid this year that are attributable to the 1987 surcharge. Do not include amounts attributable to retaliatory taxes that were claimed on Form CT-33-M, Schedule S, for 1987.

Line 35 - Enter 90% of retaliatory taxes paid this year that are attributable to the 1988 surcharge. Do not include amounts attributable to retaliatory taxes that were claimed on Form CT-33-M, Schedule S, for 1988.

Line 36 - Enter 90% of retaliatory taxes paid this year that are attributable to the 1989 surcharge. Do not include

amounts attributable to retaliatory taxes that were claimed on Form CT-33-M, for 1989.

Line 37 - Enter 90% of retaliatory taxes paid this year that are attributable to the 1990 surcharge. Do not include amounts attributable to retaliatory taxes that were claimed on Form CT-33-M for 1990.

Line 38 - Enter 90% of retaliatory taxes paid this year that are attributable to the 1991 surcharge. Do not include amounts attributable to retaliatory taxes that were claimed on Form CT-33-M for 1991.

Line 39 - Enter in the appropriate column, for the correct year, the total MTB tax surcharge retaliatory tax credits allowed to date. Include any credits previously allowed on Form CT-33-M or previously filed Forms CT-33-R, as well as amounts claimed in Columns A through E on lines 34 through 40.

Line 40 - Add lines 34 through 38. This is your total MTB tax surcharge retaliatory credit.