New York State Department of Taxation and Finance

Instructions for Form ST-100

New York State and Local Quarterly Sales and Use Tax Return

ST-100-I
(6/98)

Tax Facts for Vendors

Did you know?

You are subject to a $50 penalty if you don't prominently display your Certificate of Authority at your place of business.

Your Certificate of Authority can be suspended or revoked if you:

— don't file a return (or report), even if no tax is due, or if you willfully file a false return (or report); or

— willfully fail to collect, truthfully account for or pay over any state or local sales tax; or

— have been convicted of a crime under the Tax Law.

You may be charged with a misdemeanor if you issue a receipt without itemizing the sales tax, or you advertise either directly or indirectly that the sales tax is not part of the price your customer pays for goods or services.

If you are submitting a payment for tax due on a previously filed sales tax return, do not send us a copy of that return. To ensure that your payment is properly processed, send a separate check or money order for the prior tax due to the New York State Tax Department, PO Box 1912, Albany NY 12201-1912. Make the check payable to ***New York State Sales Tax***. Include on your check or money order your identification number, the assessment number (if applicable), and the period covered by that payment.

These instructions will help you complete your quarterly Form ST-100, *New York State and Local Quarterly Sales and Use Tax Return*. If you need further assistance, see *Need Help?* on page 4. Keep all records and other supporting documents used in completing your return for at least three years after the due date or the date the return was filed, if later.

The Sales and Use Tax Return

Two copies of the sales and use tax return are mailed to each registered vendor. File the preaddressed copy. If you did not receive a return with a preaddressed label, please complete the name and address portion including your sales tax identification number.

Enter the exact legal name of the business. For a corporation, use the name as it appears on the Certificate of Incorporation; for an unincorporated business, use the name in which the business owns property or acquires debt; for a partnership, use the partnership name. A sole proprietor must use the name of the individual owner.

Enter the trade name, doing-business-as (DBA) name, or assumed name if different from the legal name. For a corporation, it is the name that appears on the trade name certificate filed with the New York State Department of State. If the business is not incorporated, it is the name filed with the county clerk's office pursuant to section 130 of the General Business Law.

Enter the address you wish your sales tax returns mailed. Include your business telephone number and the number where you can be reached during the day if different.

The completed quarterly return must show your actual gross sales, taxable sales and purchases subject to use tax for the three-month period covered by the return, unless you are a seller of motor fuel or diesel motor fuel (see *Notice to Retail Sellers of Motor Fuel or Diesel Motor Fuel* on page 2). The return must also show the receipts subject to special taxes imposed on passenger car rentals and information and entertainment services provided through telephony and telegraphy.

The front of the return is used to summarize the business activity and tax due. Part II is used to report the details of taxable sales and services and purchases subject to use tax, and the total state and local taxes due for each taxing jurisdiction. Part II is also used to report the details of the additional 5% tax due on passenger car rentals and the additional 5% tax on information and entertainment services. Although this return is all that is required for most vendors, certain vendors are required to file separate schedules in addition to the return (see *Schedules That May Be Required* below).

Change In Filing Period

Monthly Filing

You must file monthly returns beginning the first month of the quarter following any quarter in which:

— you have had total taxable receipts (including purchases subject to use tax), rents, and amusement charges of $300,000 or more; or

— you are a distributor, as defined under Article 12-A, selling motor fuel or diesel motor fuel, and you have sold a total of 100,000 gallons or more of this fuel (taxable or nontaxable).

You must file monthly thereafter until you no longer meet these conditions for four consecutive quarters. To convert to monthly filing, contact the Business Tax Information Center for assistance. Refer to the *Need Help?* section on page 4 of these instructions for the address and telephone numbers. Failure to file a monthly return on time may result in penalty and interest charges.

Annual Filing

On June 1, 1998, the annual filing threshold increased from $250 to $3,000.

If your total tax due is $3,000 or less for the 12-month period ending February 28 (29) and you can reasonably expect to owe no more than $3,000 in tax for the next 12 months, you may be entitled to file annually instead of quarterly. Contact the Business Tax Information Center before March 20 for the annual period March 1 - February 28 (29). Call 1 800 972-1233 to receive an application to file annually.

Also, as of June 1, 1998, if you are a holder of a validated *Certificate of Authority for Show and Entertainment Vendors*, Form DTF-725 or DTF-726, you may file annually if you meet the $3,000 threshold.

Schedules That May Be Required

If you file any of the following schedules, attach them to Form ST-100. With the exception of the amounts from Schedules N-ATT, CT, and NJ, include on line 1 of your return the tax reported on the schedules. Refer to the instructions for each of the schedules for additional information related to that schedule.

Form ST-100.1 — Quarterly Schedule U

Use Schedule U to report sales or purchases subject only to local sales and use taxes:

— installation, repair, maintenance or service of machinery and equipment used directly and predominantly in production;

— installation, repair, maintenance or service of central office equipment or station apparatus used directly and predominantly in receiving or initiating and switching telephone or telegraph communication, and

— installation, repair, maintenance or service of parts, tools, and supplies used in connection with the above machinery, equipment or apparatus.

Form ST-100.2 — Quarterly Schedule A

Use Schedule A to report tax on hotel room occupancy, food and drink, admissions to places of amusement, club dues and cabaret charges.

Form ST-100.3 — Quarterly Schedule B

Use Schedule B to report sales in any locality listed on the schedule that imposes a sales and use tax on the following energy sources and services:

— telephone services, telephone answering services and telegraph, refrigeration and nonresidential gas (including propane sold in containers of 100 pounds or more), electric and steam services;

— residential gas (including propane sold in containers of 100 pounds or more), electric and steam services; and

— residential use of coal, fuel oil and wood used for residential heating.

Use Schedule B to report the use tax due to those localities on the above energy sources and services purchased tax-free under direct payment permits or otherwise.

Retailers of heating oil only must not use Schedule B to report tax due on heating oil used in their motor vehicles. They must use Form ST-100 and take credit on Form ST-100 for any prepaid tax paid on the fuel used. No credits may be taken for any prepaid tax passed through to them on their purchases of enhanced fuel later sold for residential heating (reported on Schedule B). They may recover this portion of the tax by applying for a refund using Form FT-1010, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold Other Than at Retail Service Stations.*

Form ST-100.4 — Quarterly Schedule NJ

If you are registered under the New Jersey/New York Reciprocal Tax Agreement, attach this schedule to your return. Use Schedule NJ to report the tax due on deliveries of tangible personal property into New Jersey or services subject to tax in New Jersey.

Form ST-100.5 — Quarterly Schedule N

Use Schedule N to report sales of the following services within the city of New York:

— parking, garaging or storing of motor vehicles at facilities other than garages that are part of premises occupied as private one- or two-family dwellings;

— credit rating and credit reporting services;

— protective and detective services (except port watchman);

— beauty, barbering, hair restoring, manicuring, pedicuring, electrolysis, massage and similar services;

— charges from sales of services or for the use of weight control salons, health salons,

gymnasiums, turkish baths, sauna baths and similar establishments;

— charges for occupancy of hotels, motels and similar establishments;

— interior decorating and designing services; and

— interior cleaning and maintenance services.

Form ST-100.5-ATT, *Quarterly Schedule N-ATT*, must also be completed and attached by vendors who provide parking services in New York City.

Form ST-100.10 — Quarterly Schedule FR

Use Schedule FR to report sales tax due on either motor fuel (leaded, unleaded and premium gasoline) or diesel motor fuel you sold to the retail customer, or to report use tax due on the fuel you used.

Form ST-100.11 — Quarterly Schedule CT

If you are registered under the Connecticut/New York Reciprocal Tax Agreement, attach this schedule to your return. Use Schedule CT to report the tax due on deliveries of tangible personal property into Connecticut or services rendered in Connecticut.

Completing Your Return

Complete Form ST-100, Part II and all required schedules **before** completing Part I.

Instructions For Part II

The Tax Department is required by New York State law to collect and distribute the sales taxes imposed by local taxing jurisdictions. The information in Part II of the sales tax return enables the department to make the correct distribution. Credits that can be identified by locality should be taken on the appropriate line in Part II. Net credits (negative amounts) should be shown in parentheses.

Report taxable sales and purchases subject to tax on the appropriate jurisdiction lines. **Do not** report sales or purchases already reported on a schedule.

> Effective March 1, 1998, tangible personal property used or consumed directly and predominantly in the production of an eligible theatrical production in New York City is exempt from the 4% local New York City tax. The exemption is allowed for purchases made or delivered in New York City. The new exemption also applies to certain services to the exempt property. For further information, see TSB-M-98(1)S, *New Local Sales and Use Tax Exemption in New York City for Certain Theatrical Productions.*

The additional taxes on passenger car rentals (5%) and information and entertainment services (5%) are imposed at the same rate in all jurisdictions, so they are reported separately.

Notice to Retail Sellers of Motor Fuel or Diesel Motor Fuel

Retail sellers of motor fuel or diesel motor fuel must report all sales, self-use and sales taxes due on this fuel on Form ST-100.10, *Quarterly Schedule FR*, and the schedule must be filed with the vendor's Form ST-100, together with any other applicable schedules.

Important: If you are a retail seller of motor fuel or diesel motor fuel, **do not** include sales, purchases for personal use or sales tax on the above fuel on Form ST-100, Part II.

Column (a) — Taxing Jurisdiction

Column (a) lists each locality currently imposing a sales and use tax.

Column (b) — Combined Tax Rate

Column (b) lists the combined state and local tax rates that apply in each of the localities listed in column (a).

Columns (c), (d), and (e)

Columns (c), (d), and (e) are used to report taxable sales and services, purchases subject to use tax, and sales and use taxes for the localities listed in column (a). Column (e) is also used to report the additional taxes on passenger car rentals and information and entertainment services. You must report these amounts for the full period covered by the return unless a shorter period is specifically indicated.

Column (c) — Taxable Sales and Services

Subtract any applicable exempt sales and adjustments from gross sales and services to arrive at taxable sales and services. Make adjustments for transactions when the tax should not be paid, such as returned sales on which the tax was refunded to the customer or previously reported sales that became bad debts.

Taxable sales and services should be reported on the line for the locality where delivery occurs. Delivery occurs at the vendor's place of business on over-the-counter sales. Otherwise, delivery occurs where the customer takes possession. Exception: delivery of a motor vehicle is determined by the purchaser's home address.

> **Report, in column (c) on the New York State/MCTD 4¼% line, sales of theatrical supplies and services where the purchaser furnished a properly completed Form ST-121.9,** *New York City Sales and Use Tax Exempt Use Certificate for Certain Theatrical Productions.* If Form ST-121.9 was not used to make the purchase, tax is due at the combined state and city tax rate and should be reported on the 8¼% New York City line.

Do not report deliveries to points outside New York State.

The exemption from the New York State and upstate local sales tax allowed for the items and services listed below does not apply to New York City. On the *New York City - local tax only* 4% line, report sales of the following to businesses located within New York City:

— fuel and utility services used directly and exclusively in the production of tangible personal property for sale;

— the services of installing, repairing, maintaining and servicing tangible personal property used directly and predominantly to produce a product for sale by farming, including servicing tangible personal property used in erecting, adding to, altering or improving a silo (but not including the foundation), and the servicing of posts and wire used to make and maintain a trellis for grapes.

These transactions should **not** be reported on the New York City 8¼% line or on Schedule U.

Column (d) — Purchases Subject to Use Tax

Use column (d) to report the value of tangible personal property or services purchased without payment of sales tax and used in your own operations. **Do not** include tangible personal property or services that are resold or that qualify for a production exemption.

Report in column (d), on the *New York State/MCTD (fuel and utilities)* 4¼% line, the use tax due on purchases of fuel or utility services for which you have paid only 4% New York City tax, but that are subject to tax at 8¼%. These include fuel or utilities used other than directly in production (e.g., to operate office machinery or light the plant). *Directly in production* means the fuel or utilities must, during the production phase, operate exempt machinery or create conditions necessary to actual production. Property or services are also subject to the use tax if purchased by a New York State resident, business or branch of a New York State business located outside New York State and shipped or brought into the state.

Additional Use Tax: If sales or use tax was paid at one local rate in New York State and the property is then used in a locality in New York State with a higher rate, additional use tax will be due if:

— the user is a resident of the locality where use occurs;

— the user, in the performance of a contract, incorporates the property into real property situated in the second locality; or

— the user is a nonresident but uses the property in the second locality in a trade or business, etc.

Attach an explanatory statement and use the blank lines at the bottom of Part II. Enter the taxing jurisdiction in column (a) and the additional rate of tax in column (b).

Column (e) — Sales and Use Taxes, Special Taxes, Vendor Collection Credit and Credit for Prepaid Sales Tax on Cigarettes

Multiply the amounts in columns (c) and (d) by the combined state and local tax rate in column (b). Add the sales and use tax reported on pages 2 and 3 in column (e) to the taxes reported on lines A and B and enter the total on line C. Compute your vendor credit (see page 4 of your return) and deduct it from the amount on line C. Enter the result on line E.

> **Every September 1, the prepaid sales tax on cigarettes is subject to change.** Retailers may continue to take credit for the prepaid sales tax in the quarter in which the cigarettes are purchased from the supplier or in the quarter in which they are sold. Enter your credit for the prepaid sales tax on cigarettes on line F. Subtract line F from line E and enter your sales and use tax and special taxes due on line G. Include this with the amount you report on Part I, line 1, of the return.

Instructions for Part I

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/responsible person information, and you have not previously notified us, complete Form DTF-95.1, *Change of Business Information for Employers/Vendors*, found in these instructions. Send the completed form to: **NYS Tax Department, RADS/Account Services Section, Building 8 Room 500, W A Harriman Campus, Albany NY 12227-0155.** If there are currently no changes to the above information, keep this form in your files. If a change occurs, complete the form and send it to the address listed as soon as possible.

Type of Business

Describe your principal business activity or type of business (retail grocery, wholesale furniture, etc.).

Consolidated Return

If you have more than one place of business and are reporting for all business locations on this return, check the applicable box. If you checked this box and your New York State identification number does not end with a **C**, attach a list of your business locations. If your identification number ends with a **C** and you have added or deleted locations since your last return, attach a list of these locations and indicate ***addition*** or ***deletion*** next to each.

Final Return

If you have discontinued doing business, check the applicable box, write ***final*** in the blank area at the top of the return to the left of *ST-100* and attach your Certificate of Authority with the back completed.

No Tax Due Return

Place a check mark in the box if you had no taxable sales and made no purchases subject to use tax. Enter your gross sales in box A and enter ***None*** in boxes B, C and D.

Summary of Business Activity

If you are a retail seller of **motor fuel or diesel motor fuel:**

- **do not** report gross sales of this fuel in box A;
- **do not** report taxable sales of this fuel in box B;
- **do not** report purchases of this fuel subject to use tax in box C; and
- **do not** report credits related to tax on this fuel in box D.

These amounts are reportable **only** on Schedule FR, as explained in the instructions for that schedule.

Box A — Gross Sales and Services

Enter the total dollar amount of all sales made by the business including those exempt from sales tax (but do not include motor fuel or diesel motor fuel sales as stated under *Summary of Business Activity*). Do not include the amount of sales taxes collected. Include all sales made within New York State (even if for delivery outside New York State) and sales made at business locations outside New York State for delivery into New York State. Do not include sales made at business locations outside New York State that do not involve deliveries into New York State.

Box B — Taxable Sales and Services

Enter the total dollar amount of the sales subject to New York State and local sales taxes except motor fuel or diesel motor fuel sales (see *Summary of Business Activity*). This figure is the total amount from Part II, column (c) of the return and any schedules filed. **Exception:** Do not include New Jersey or Connecticut taxable sales as reported on Form ST-100.4, *Quarterly Schedule NJ*, and Form ST-100.11, *Quarterly Schedule CT*.

Box C — Purchases Subject to Use Tax

Enter the total dollar amount of purchases subject to use tax including personal property purchased at retail on which no tax was paid at the time of purchase, except motor fuel or diesel motor fuel purchases (see *Summary of Business Activity* on this page). **Do not** include tangible personal property purchased for inventory, or property or services that qualify for a production exemption. Include property used in the operation of your business if it does not become part of a product for resale or is not eligible for a production exemption. This figure is the total amount from Part II, column (d), of the return and any schedules filed. **Exception:** Do not include any purchases subject to New Jersey use tax as reported on Form ST-100.4, *Quarterly Schedule NJ*.

Box D — Total Credits Claimed in Part II or Schedules

Enter the total dollar amount of credit against the tax claimed in Part II or any schedules filed, except credits reported on Schedule FR (see *Summary of Business Activity* on this page). Show in parentheses net credits in Part II or schedules. Credits must be substantiated by attaching a statement and any other supporting documentation explaining the basis for the credit claimed. Do not include this amount in any credits entered on line 2a. **Do not** include in Box D the vendor collection credit or the credit for prepaid sales tax on motor fuel, diesel motor fuel or cigarettes.

Summary of Taxes Due

Line 1 — Sales and Use Taxes and Special Taxes

Enter the total tax due from Part II, line G, column (e), and the total tax due from Schedules A, B, FR, N, and U, column (e).

Line 2a — Credits

Report economic development zone (EDZ) credits on this line and file Form AU-11, *Application for Credit or Refund*, separately from your return. Mail Form AU-11 and all substantiating documentation to the address shown on the form. Be sure to indicate on Form AU-11 the period of the return on which you are taking the credit.

Enter the total of the EDZ credits and any credits (other than the credits for prepaid sales tax on motor fuel, diesel motor fuel or cigarettes) that can be substantiated but cannot be identified with a specific locality. If you had an overpayment from the prior quarter and you did not apply for this amount by filing the appropriate refund application, enter the amount on this line. See the instructions for line 5 for more information on prepaid sales tax on motor fuel, diesel motor fuel and on refunds. You **must** substantiate all credits taken on this line.

Line 2b — Advance Payments

Enter the total amount of advance payments. **Do not** include on this line payments from Form FT-945/1045, *Report of Sales Tax Prepayment on Motor Fuel/Diesel Motor Fuel*.

Line 4 — Interest and Penalty

If you file your return or make payment after the due date, you must pay a late filing charge, consisting of interest and penalty. See *Interest and Penalty Computation* on page 4.

Line 5 — Amount Due

If this amount is an overpayment you may either claim a credit or apply for a refund. To claim credit, enter this amount on Part I, line 2a, on your next return and attach substantiation for any credit taken.

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Change of Business Information for Employers/Vendors

If there have been any changes in your business name, identification number, mailing or business address, telephone number or owner/officer/responsible person information, complete this form and mail it to: NYS Tax Department, RALS/Account Services Section, Building 8 Room 501, W A Harriman Campus, Albany NY 12227-0155.

Doc. Loc. number

Previous Doc. Loc. number

Old Information	Identification number:
Name:	

New Information	Effective date:
Identification number:	
Telephone number: ( )	
Legal name:	
Trade name (DBA, etc.):	
Physical location of business:	
City, State, ZIP code:	
Mailing address (street or PO Box):	
City, State, ZIP code:	

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Also complete the back of this form.

To apply for a refund, file Form AU-11, *Application for Credit or Refund*, **unless the overpayment is the result of a credit for prepaid sales tax on motor fuel or diesel motor fuel sold at retail: in which case, you must file the appropriate application:**

— **Form FT-949,** *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold Other Than at Retail Service Stations.*

— **Form FT-950,** *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold by Retail Service Stations.*

— **Form FT-1007,** *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold by Retail Service Stations.*

Form FT-1010, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold Other Than at Retail Service Stations.*

Do not attach the refund application (Form AU-11, FT-949, or FT-950, FT-1007 or FT-1010) to your return. This application **must** be filed **separately** and mailed to the address shown on that form.

As a sales tax vendor, you may be subject to or liable for other taxes. For information relating to other taxes or for forms or publications, use the address and telephone numbers listed below.

Notice to Schedule NJ and Schedule CT filers — If you report tax due on either Form ST-100.4, *Quarterly Schedule NJ,* or Form ST-100.11, *Quarterly Schedule CT,* or both, send only one check payable to ***New York State Sales Tax*** for the amount due New York, New Jersey and Connecticut. **Do not under any circumstances offset an overpayment from one state against the tax due to another state.**

Signature

The return must be signed by the vendor or an authorized officer or employee. A paid preparer must also sign on the line designated *Signature of preparer (if other than vendor).*

Privacy Notification

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions, and forms, is found in Articles 8, 18-A, 28, and 28-A of the Tax Law; and 42 USC 405(c)(2)(C)(i).

The Tax Department will use this information primarily to determine and administer sales and use tax liabilities under the Tax Law, and for any other purpose authorized by law.

Failure to provide the required information may result in civil or criminal penalties, or both, under the Tax Law.

This information will be maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 924, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and outside Canada, call (518) 485-6800.

Interest and Penalty Computation

Interest is always due on any underpayment of tax and is computed at the rate as determined pursuant to section 1142 of the Tax Law. It is compounded daily from the due date of the return to the date the tax is paid. Call Taxpayer Assistance at one of the numbers listed below to get the current rate. Penalty is due as follows:

A For failure to file a return on time, with **no tax due,** the penalty is $50.

B For failure to file a return on time **with tax due,** the penalty is:
For 1-60 days late, 10% (.10) of the tax due for the first month plus 1% (.01) of the tax due for each month thereafter, but in no instance less than $50.
For 61 or more days late, the greater of:
— 10% (.10) of the tax due for the first month plus 1% (.01) of the tax due for each month thereafter, not to exceed 30% (.30); or
— the lesser of $100 or 100% (1.00) of the tax due; but not less than $50.

C For failure to pay tax, even though the return is filed on time, the penalty is 10% (.10) of the tax due for the first month, plus 1% (.01) of the tax due for each additional month, up to a maximum of 30% (.30).

Need Help?

Telephone Assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday. **For business tax information and forms,** call the Business Tax Information Center at 1 800 972-1233. **For general information,** call toll free 1 800 225-5829. **To order forms and publications,** call toll free 1 800 462 8100. **From areas outside the U.S. and outside Canada,** call (518) 485-6800.

Fax-on-Demand Forms Ordering System - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

Internet Access - http://www.tax.state.ny.us
Access our website for forms, publications, and information.

Hotline for the Hearing and Speech Impaired - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

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 the information numbers listed above.

Mailing Address - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany NY 12227.

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Reason for change:

Business tax records which should be changed: ☐ Corporation Tax ☐ Highway Use Tax ☐ Petroleum Business Tax

☐ Sales and Use Tax ☐ Withholding Tax ☐ Limited Liability Company/Partnership ☐ Other - Tax type: _____

Enter the new owner/officer/responsible person information below if there have been any changes.

Use additional sheets if more space is needed.

Name of owner/officer/responsible person		% Ownership	Title	
Home address *(number and street)*	City, village, post office		State	ZIP code
Effective date	Social security number		Telephone number ( )	

I certify that this information is to the best of my knowledge and belief true, correct and complete.

Signature	Title	Date
Print name		Daytime telephone number ( )

Also complete the front of this form.