



Instructions for Form CT-3-B

Tax-Exempt Domestic International Sales Corporation (DISC) Information Return

Tax Law — Article 9-A

CT-3-B-I

Important reminder to file a complete return: You must complete all required schedules and forms that make up your return, and include **all pages** of those forms and schedules when you file. Returns that are missing required pages or that have pages with missing entries are considered incomplete and cannot be processed, and may subject taxpayers to penalty and interest.

Up-to-date information affecting your tax return

Visit our Web site for tax law changes or forms corrections that occurred after the forms and instructions were printed (see *Need help?*).

Changes for 2009

Credit, refund, and federal change forms are obsolete — Effective January 1, 2009, and applicable to all open tax periods, the following forms will no longer be used:

- Form CT-8, *Claim for Credit or Refund of Corporation Tax Paid*
- Form CT-9, *Claim for Tentative Refund Based upon Carryback of Net Operating Loss*

For further information, see Important Notice, N-09-2, *Form CT-8, Claim for Credit or Refund of Corporation Tax Paid, and Form CT-9, Claim for Tentative Refund Based Upon Carryback of Net Operating Loss, Are Obsolete*.

In addition, you can no longer use Form CT-3360, *Federal Changes to Corporate Taxable Income*. If your corporation's federal taxable income (FTI) has been changed or corrected by a final determination of the Commissioner of Internal Revenue, you must file an amended New York State return reflecting the federal changes.

New tax under Tax Law Article 23 — A new Metropolitan Commuter Transportation Mobility Tax (MCTMT) applies to certain employers and self-employed individuals engaging in business within the Metropolitan Commuter Transportation District (MCTD). The tax applies to employers required to withhold New York State income tax from wages that have a payroll expense exceeding \$2,500 in any calendar quarter. It also applies to individuals with net earnings from self-employment allocated to the MCTD that exceed \$10,000 for the tax year. For more information about this new tax, visit our Web site at www.nystax.gov.

When computing your entire net income (ENI), you must add back any Article 23 MCTMT deducted on your federal return. If you included a refund or credit on your federal return for Article 23 taxes, subtract that refund or credit from your FTI if no exclusion or deduction in computing ENI was previously allowed for the refund or credit amount.

Fee for payments returned by banks — A new law allows the Tax Department to charge a \$50 fee when a check, money order, or electronic payment is returned by a bank for nonpayment. However, if an electronic payment is returned as a result of an error by the bank or the department, the department won't charge the fee. If your payment is returned, we will send a separate bill for \$50 for each return or other tax document associated with the returned payment.

General information

The information from this form is also used on Form CT-3-C, *Consolidated Franchise Tax Return*, Form CT-3, *General Business Corporation Franchise Tax Return*, and Form CT-3-ATT, *Schedules B, C, and D — Attachment to Form CT-3*. Therefore, the schedules (except Schedule E) and lines on this form are numbered to directly correspond with the same schedules and lines on Forms CT-3 and CT-3-ATT. The lines and schedules

from Forms CT-3 and CT-3-ATT that are not applicable to this form have been omitted. Use Form CT-3/4-I, *Instructions for Forms CT-4, CT-3, and CT-3-ATT*, to complete this return.

Who must file

Domestic international sales corporations (DISCs) that are exempt from tax under Tax Law Article 9-A must file Form CT-3-B.

Foreign sales corporations (FSCs) and taxable DISCs may not file this form. FSCs and taxable DISCs must file Form CT-3.

A corporation that qualifies as a DISC under Internal Revenue Code (IRC) section 992(a) is exempt from tax under Article 9-A if during the year it received **more** than 5% of its:

- gross sales from the sale of inventory or other property purchased from its stockholders;
- gross rentals from the rental of property purchased or leased from its stockholders; or
- total receipts, other than sales or rentals, from its stockholders.

Stockholder of DISC that files as part of combined group

If the stockholder of the tax-exempt DISC files as part of a combined group, use the instructions for the appropriate lines on Form CT-3-A, *General Business Corporation Combined Franchise Tax Return*, to complete pages 1, 2, and 3 of this form. To complete pages 4 and 5 of this form, use the instructions for the appropriate lines on Form CT-3-A/ATT, *Schedules A, B, and C — Attachment to Form CT-3-A*. Instructions for both these combined forms are in Form CT-3-A-I, *Instructions for Forms CT-3-A, CT-3-A/ATT, and CT-3-A/B*.

When and where to file

A tax-exempt DISC must file this return separately. In addition, attach a copy of this return to the stockholder's consolidated return, Form CT-3-C, and file both on or before the 15th day of the ninth month after the end of the tax year. If your filing date falls on a Saturday, Sunday, or legal holiday, you must file your return on or before the next business day. Include a complete copy of your federal return.

Mail your return to: **NYS CORPORATION TAX
PROCESSING UNIT
PO BOX 22038
ALBANY NY 12201-2038**

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your form, contact that private delivery service for instructions on how to obtain written proof of the date your form was given to the delivery service for delivery. If you use **any** private delivery service, whether it is a designated service or not, send the forms covered by these instructions to: State Processing Center, 431C Broadway, Albany NY 12204-4836.

Amended return

If you are filing an amended return, mark an **X** in the *Amended return* box on page 1 of Form CT-3-B.

If you file an amended federal return, you must file an amended New York State return within 90 days thereafter.

For amended returns based on changes by the Internal Revenue Service (IRS) — If your FTI has been changed or corrected by a final determination of the Commissioner of Internal Revenue, you must file an amended return reflecting the federal changes within 90 days (120 days if filing an amended combined return) of the final federal determination. For a definition of final determination, see NYS Regulation section 6-1.3(b).

You must attach a copy of federal Form 4549, *Income Tax Examination Changes*, to your amended return.

If you filed as part of a consolidated group for federal tax purposes but on a separate basis for New York State tax purposes, you must submit a statement indicating the changes that would have been made if you had filed on a separate basis for federal tax purposes.

Reporting period

Use this tax return for calendar year 2009 and fiscal years that begin in 2009 and end in 2010.

You can also use the 2009 return if:

- you have a tax year of less than 12 months that begins and ends in 2010, **and**
- the 2010 return is not yet available at the time you are required to file the return.

In this case you must show your 2010 tax year on the 2009 return and take into account any tax law changes that are effective for tax years beginning after December 31, 2009.

All filers must complete the beginning and ending tax year boxes in the upper right corner on page 1 of the form.

Entering dates

Unless you are specifically directed to use a different format, enter dates in the *mm-dd-yy* format (using dashes and not slashes).

Important identifying information

For us to process your corporation tax forms, it is important that we have the necessary identifying information. Enter your employer identification number and file number.

If you use a paid preparer or accounting firm, make sure they use your complete and accurate identifying information when completing all forms prepared for you.

Line A — Make your check or money order payable in United States funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

Foreign corporation maintenance fee

Foreign corporations (including DISCs) authorized to do business in New York State must pay an annual maintenance fee of \$300 (Article 9, section 181.2). Enter your maintenance fee on line B on page 1 of Form CT-3-B.

You are subject to the maintenance fee for the entire period in which you are authorized to do business in New York State, regardless of when you were actually doing business in New York State. The Tax Law allows a reduction of the maintenance fee, as shown below, if the period for which the fee is imposed is nine months or less:

Period	Reduction	Maintenance fee
Not more than six months	50%	\$150
More than six months but not more than nine months	25%	\$225
More than nine months	None	\$300

If you do not pay the maintenance fee due on or before the due date, you must pay interest and penalty on the underpayment. See Form CT-3/4-I for proper calculation of interest and penalty.

Third-party designee

If you want to authorize another person (third-party designee) to discuss this tax return with the New York State Tax Department,

mark an **X** in the Yes box in the *Third-party designee* area of your return. Also **print** the designee's name, phone number, and any five-digit number the designee chooses as his or her personal identification number (PIN). If you want to authorize the paid preparer who signed your return to discuss the return with the Tax Department, **print** the preparer's name in the space for the designee's name and enter the preparer's phone number in the space for the designee's phone number. You do not have to provide the other information requested. If you do not want to authorize another person, mark an **X** in the *No* box.

If you mark the Yes box, you are authorizing the Tax Department to discuss with the designee any questions that may arise during the processing of your return. You are also authorizing the designee to:

- give the Tax Department any information that is missing from your return;
- call the Tax Department for information about the processing of your return or the status of your refund or payment(s); and
- respond to certain Tax Department notices that you shared with the designee about math errors, offsets, and return preparation. The notices will not be sent to the designee.

You are not authorizing the designee to receive your refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want the designee to perform those services for you, you must file Form POA-1, *Power of Attorney*, making that designation with the Tax Department. Copies of statutory tax notices or documents (such as a *Notice of Deficiency*) will only be sent to your designee if you file Form POA-1.

You cannot change the PIN. The authorization will automatically end on the due date (without regard to extensions) for filing your next year's tax return.

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

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

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.

Need help?

 **Internet access:** www.nystax.gov
(for information, forms, and publications)

 **Fax-on-demand forms:** 1 800 748-3676

 **Telephone assistance** is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

Corporation Tax Information Center: (518) 485-6027
For in-state callers without free long distance: 1 888 698-2908

To order forms and publications: (518) 457-5431
For in-state callers without free long distance: 1 800 462-8100

Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY): 1 800 634-2110

 **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, call the information center.