

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

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Sales Tax
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1982 Legislation
Chapter 155 of the Laws of 1982
Part-Quarterly and March Estimated Sales & Use Tax Returns

Effective June 1, 1982 the enactment of Chapter 155 of the Laws of 1982 provides for the following changes affecting vendors who file either the long or short form part-quarterly returns and March estimated returns:

Subdivision (c) of section 1137 of the Tax Law has been amended to change the formulas used to compute the estimated tax that must be remitted with the March estimated return, for both long and short form filers.

On and after March 1, 1983, part-quarterly filers, both long and short form, will be required to pay with their March estimated return an amount equal to just the state* portion of their estimated sales and use tax due (including the ¼% imposed for the metropolitan commuter transportation district). In other words, the taxes imposed for the benefit of the Municipal Assistance Corp., and the local sales and use taxes are to be excluded when computing the March estimate.

Consequently, vendors filing the March estimated return for 1983 and there after will be allowed to remit an amount equal to:

90% of the state portion of the sales tax actually due for the month of March, if they file a long form estimated return, or

1/3 of the state portion of the sales tax actually payable from the comparable quarter of the previous year if they file a short form estimated return (regardless of whether or not the tax was actually paid for the previous year).

Section 1137-A has been amended to continue to allow a vendor who is eligible to file a short form return, the option to file either a long or short form March estimated return. After March 1, 1983, estimates in either case would be based on the state portion of the sales tax due.

For instance, if a short form filer expects his March 1983 receipts to be considerably lower than the receipts from the previous March and bases his payment on 90% of anticipated receipts rather than on 1/3 of the tax due for the previous year's comparable quarter, no penalty or interest will be due if the amount remitted is at least 90% of the state sales taxes actually payable for March 1983.

Schedules will no longer be required with the March estimated return and any balance of tax due for the month of March may be remitted with the March part-quarterly return filed in April. This is true for either long or short form filers.

Section 1139 has been amended to provide that interest will no longer be paid on any refund or credit allowed on overpayments of sales and use tax made with the March estimated return. The treatment of other monthly returns remains the same.

*The state portion of the tax due is the total of the tax reported on the New York State line of the sales tax return (line 1) and the state portion of the tax imposed in any of the localities. (The 7% tax imposed in Albany County, for instance, includes the 4% state and 3% local tax. The 4% must be included in the March estimate.)

Section 1145 has been amended to continue to provide for the assessment of penalty and interest on March estimated returns filed in March of 1983 and thereafter, when no payment or an insufficient payment has been made.

Section 1251 eliminates, for returns filed after September 1, 1982, the requirement to complete page 2 of a long form monthly return and the related schedules, for purposes of local distribution. Vendors must, however, indicate and remit monthly the aggregate local sales and use taxes due. Distribution for the 3 months must be made when filing the quarterly return, Form ST-810.