



Department of Taxation and Finance

Important:

The state and local sales and use tax rates and/or reporting code information in this TSB-M are out-of-date.

For the most up-to-date state and local sales and use tax rates, reporting code information, and other information, see the Department of Tax and Finance website: [Find sales tax rates](#).

The TSB-M begins on page 2 below.

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

TSB-M-83 (31)S
Sales Tax
November 22, 1983

Orange County Increases the Local Sales and Use Tax From 1% to 2%

Effective December 1, 1983, Orange County has passed a resolution to increase the local rate from 1% to 2% through May 31, 1985.

The combined tax rate in Orange County will be 6¼% after December 1, 1983 (4¼% State rate prevailing in the Metropolitan Commuter Transportation District which includes Orange County, and 2% county tax rate). The rate of 6¼% will apply to all taxable sales of tangible personal property and services reportable on page 2 of all sales and use tax returns under Code 3305. This rate also applies to sales and use of diesel motor fuel reportable on Schedule E under Code E3305.

Orange County does not impose sales tax on residential energy sources and services*.

The following schedules, rates and codes are to be used to report other transactions:

Schedule U (Page 2 Supplement)

Within Orange County, the tax rate on the sales of services of installing, repairing, maintaining or servicing machinery, equipment, apparatus, parts, tools and supplies used or consumed directly and predominantly in the production of a product for sale will be 2% (county only). Such sales and purchases are reportable on Schedule U under Code 3357.

Schedule D

Registered motor fuel distributors must report sales of motor fuel on Schedule D on the line for the locality in which delivery occurs, regardless of the rate of tax collected. The rate may vary depending on the purchaser, as explained in TSB-M-82(28)S and TSB-M-82(28.1)S. The Code for Orange County on Schedule D is D3305.

Schedule B

Part 1 - Sales of telephone, telegraph and refrigeration services and nonresidential services of gas, electricity and steam, reportable on part 1:

- (a) Orange County (outside Middletown school district and the cities of Newburgh and Port Jervis); the rate will be 6¼%, Code 3385
- (b) Middletown school district; the rate will be 9¼%, Code 3315
- (c) Port Jervis or Newburgh; the rate remains at 7¼%, Codes unchanged

Part 2 - The tax rate for sales of certain residential energy sources and services reportable on Part 2 and made in Middletown school district, Newburgh or Port Jervis remains at 3%; the Codes are unchanged.

*Residential energy sources and services are fuel oil (but not diesel motor fuel); coal; propane (except when sold in containers of less than 100 pounds); natural gas; electricity; steam; wood for residential heating purposes only; and gas, electric and steam services.

SPECIAL TRANSITIONAL PROVISIONS

Where delivery or transfer of possession occurs on or after December 1, 1983, the new combined state and local sales and use tax rate applies, except in the following instances:

Lay-away sales

The old rate will apply if; (1) a written agreement was made prior to August 1, 1983, (2) the item sold was segregated from other similar property in the possession of the vendor prior to August 1, 1983, and (3) the purchaser pays at least 10% of the sales price prior to December 1, 1983.

Monthly utility bills for gas and electricity based on meter readings

If the meter is read on or after December 1, 1983, the increased local tax will be applied to the billing based on such reading only if more than ½ of the days covered by such bill are days after November 30, 1983.

Monthly telephone bills

The increased local tax will be applied to all bills dated on or after December 1, 1983. However, charges for services furnished before the date of the first of such bills will be taxable at the old rate.

Social and athletic club dues

The increased local tax will be applied to all bills covering any period which begins on or after December 1, 1983. The increased tax will not be applied to bills covering periods which begin before December 1, 1983. A quarterly or semi-annual billing mailed prior to December 1 for a period beginning on or after December 1 will be subject to the increased rate.

Admissions

The increased rate of tax will be applied to taxable admissions for any event occurring on or after December 1, 1983, unless the tickets were actually sold and delivered to the purchaser prior to December 1, 1983, regardless of whether the admission charges were paid before such date.

Hotel occupancy

The increased rate applies to all daily rentals on or after December 1, 1983, unless the occupant is a permanent resident (ninety days consecutive occupancy). If the rental is on other than a daily basis, the increased rate shall be applied to the charge on a prorated basis.

Pre-existing lump sum or unit price construction contracts

If such a contract was irrevocably entered into prior to October 26, 1983 the contractor will be allowed credit or refund of the increased local sales or use tax in respect to purchases if the tangible personal property is used solely in the performance of such contract.