



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The state and local sales and use tax rates and/or reporting code information in this TSB-M are out-of-date.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

ERIE COUNTY INCREASES LOCAL SALES

AND USE TAX FROM 3% TO 4%

Effective March 1, 1985 - Pursuant to the authority granted by section 1210 of Article 29 of the New York State Sales and Use Tax Law, Erie County has enacted an increase in the county sales and use tax rate from 3% to 4% which will remain in effect through December 31, 1986.

The combined sales and use tax rate of 8% (4% state and 4% county) applies throughout Erie County to all taxable sales of tangible personal property and services and all purchases subject to use tax reportable under Code 1415 on page 2 of all annual and quarterly returns. For transactions reportable on other than page 2, see schedules shown below.

Transactions Reportable on Schedules

Schedule B

The following residential energy sources and services sold or used in Erie County are subject to the 4% county sales tax but exempt from the sales tax imposed by the State; 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; and gas, electric and steam services. These sales are reportable on Schedule B, Part III, under Code 1403.

Schedule D

Registered motor fuel distributors must report sales of motor fuel on Schedule D using the line for the locality in which delivery occurs, but not necessarily at the rate of tax in effect in that locality. The rate may vary depending on the purchaser, as explained in TSB-M-82 (28.1) S. Distributors must also report use tax on Schedule D at the rate of 8%. The code for Erie County on Schedule D is D1415.

Schedule E

The combined state and local sales and use tax rate of 8% applies to taxable sales of diesel motor fuel and purchases of diesel motor fuel for self-use reportable on Schedule E under Code E1415.

Schedule U (Page 2 Supplement)

A sales and use tax at the rate of 4% must be collected on sales of servicing, installing, repairing or maintaining the following: manufacturing machinery, equipment, apparatus, parts, tools and supplies used directly and predominantly in the production of tangible personal property for sale. This tax must be reported on Schedule U (Page 2 Supplement). The code for Erie County is L1415.

### Special Transitional Provisions

When delivery or transfer of possession occurs on or after March 1, 1985, the new combined state and local sales and use tax rate applies, except in the following instances:

#### Layaway sales

The old tax rate will apply if: (1) a written agreement was made before November 1, 1984, (2) the item sold was segregated from other similar property in the possession of the vendor before November 1, 1984, and (3) the purchaser pays at least 10% of the sales price before March 1, 1985.

#### Utility bills for gas and electricity based on meter readings

The increased tax rate will be applied to a bill only if more than one half of the days covered by this bill are after February 28, 1985.

#### Telephone bills

The increased tax rate will be applied only to charges for services furnished on or after the date of the first bill dated in March 1985.

#### Social and athletic club dues

The increased tax rate will be applied to all bills covering any period which begins on or after March 1, 1985. The increased tax rate will not be applied to bills covering periods which begin before March 1, 1985.

#### Admissions

The increased tax rate will be applied to taxable admissions for any event occurring on or after March 1, 1985 unless the tickets were actually sold and delivered to the purchaser before March 1, 1985, regardless of whether the admission charges were paid before such date.

#### Hotel occupancy

The increased tax rate applies to all daily rentals beginning on or after March 1, 1985 unless the occupant is a permanent resident (ninety days consecutive occupancy). If the rental is not on a daily basis, the new rate will be applied to the charge on a prorated basis.

#### Preexisting lump sum or unit price construction contracts

If a preexisting lump sum or unit price construction contract was irrevocably entered into before January 17, 1985, the contractor will be allowed a credit or refund of the increased local sales and use tax paid on purchases of tangible personal property used solely in the performance of this contract.