



Important Notice

November 2006

Information for 2005 Personal Income Tax Fiscal-Year Filers on Claiming the Handicapped-Accessible Taxicabs and Livery Service Vehicles Credit

The Tax Law has been amended to provide a personal income tax credit to companies that provide taxicab or livery service in New York State for the incremental cost associated with the purchase of a handicapped-accessible vehicle or the conversion of a motor vehicle to a handicapped-accessible vehicle that is used in providing the taxicab or livery service. The credit applies to incremental costs incurred on or after January 1, 2006, but before January 1, 2009. The credit may be claimed by resident and nonresident individuals, estates, and trusts. This includes an individual, estate or trust that is a partner in a partnership (including a member of a limited liability company that is treated as a partnership for federal income tax purposes), a shareholder of a New York S corporation, or a beneficiary of an estate or trust.

For additional information on the credit, see TSB-M-06(8)C, (10)I, *Credit for Handicapped-Accessible Taxicabs and Livery Service Vehicles (Articles 9-A and 22)*.

If you qualify to claim this credit for your 2005 fiscal year and **have not** filed your 2005 fiscal-year return, complete new 2006 Form IT-239, *Claim for Handicapped-Accessible Taxicabs and Livery Service Vehicles Credit*, and attach it to your 2005 fiscal-year return when you file. When computing the credit on the 2006 Form IT-239, include only those incremental costs incurred on or after January 1, 2006, but prior to the end of your 2005 fiscal year. See the following instructions for how to claim the credit on your 2005 fiscal-year return.

IT-201 fiscal-year filers – File 2005 Form IT-201, *Resident Income Tax Return*. Be sure to complete 2006 Form IT-239 and attach it to Form IT-201. Enter code **299** and the amount of the credit on Form IT-201-ATT, line 6.

IT-203 fiscal-year filers – File 2005 Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*. Be sure to complete 2006 Form IT-239 and attach it to Form IT-203. Enter code **299** and the amount of the credit on Form IT-203-ATT, line 7.

IT-204 fiscal-year filers – File 2005 Form IT-204, *Partnership Return*. Be sure to complete 2006 Form IT-239 and attach it to Form IT-204. Include the amount of the handicapped-accessible taxicabs and livery service vehicles credit in the total for line 26 and write **IT-239** on the line next to the entry boxes. In addition, the partnership must inform each partner of his or her distributive share of the handicapped-accessible taxicabs and livery service vehicles credit.

IT-205 fiscal-year filers – File 2005 Form IT-205, *Fiduciary Income Tax Return*. Be sure to complete 2006 Form IT-239 and attach it to Form IT-205. Include the amount of the handicapped-accessible taxicabs and livery service vehicles credit in the total for line 10. In addition, the estate or trust must inform each beneficiary of his or her share of the handicapped-accessible taxicabs and livery service vehicles credit.

If you qualify to claim this credit for your 2005 fiscal year and **have** already filed your 2005 fiscal-year return without claiming the credit, you must amend your 2005 fiscal-year return to claim the credit. When computing the credit on the 2006 Form IT-239, include only those incremental costs incurred on or after January 1, 2006, but prior to the end of your 2005 fiscal year. See the following instructions on how to amend your return.

IT-201 fiscal-year filers – File 2005 Form IT-201-X, *Amended Resident Income Tax Return*. Be sure to complete 2006 Form IT-239 and attach it to Form IT-201-X. Enter code **299** and the amount of the credit on Form IT-201-ATT, line 6.

IT-203 fiscal-year filers – File 2005 Form IT-203-X, *Amended Nonresident and Part-Year Resident Income Tax Return*. Be sure to complete 2006 Form IT-239 and attach it to Form IT-203-X. Enter code **299** and the amount of the credit on Form IT-203-ATT, line 7.

IT-204 fiscal-year filers – Use a blank 2005 Form IT-204, *Partnership Return*, and mark the **Amended return** box at item C. Complete the form, entering the corrected information, and attach an explanation of the changes. Be sure to complete 2006 Form IT-239 and attach it to your amended Form IT-204. Include the amount of the handicapped-accessible taxicabs and livery service vehicles credit in the total for line 26 and write **IT-239** on the line next to the entry boxes. In addition, it is the responsibility of the partnership to inform each partner of his or her distributive share of the handicapped-accessible taxicabs and livery service vehicles credit.

IT-205 fiscal-year filers – Use a blank 2005 Form IT-205, *Fiduciary Income Tax Return*, and mark the **Amended return** box at the top. Complete the form, entering the corrected information, and attach an explanation of the changes. Be sure to complete 2006 Form IT-239 and attach it to the amended Form IT-205. Include the amount of the handicapped-accessible taxicabs and livery service vehicles credit in the total for line 10. In addition, it is the responsibility of the estate or trust to inform each beneficiary of his or her share of the handicapped-accessible taxicabs and livery service vehicles credit.

The 2006 version of Form IT-239 and instructions will be available in December on our Web site at www.nystax.gov or you can call 1 800 462-8100. If you have a fax machine and a touch-tone phone, you may also order Form IT-239 using the Tax Department's Fax-on-demand system by calling 1 800 748-3676 and entering the five digit fax code 15112.