
Important Notice

September 2001

Announcement Regarding the Terrorist Attacks of September 11, 2001

As a result of the coordinated terrorist attacks of September 11, 2001, President George W. Bush, at the request of Governor George E. Pataki, has declared a major federal disaster area for New York City. Governor Pataki has directed Commissioner Arthur J. Roth to extend certain tax filing and payment deadlines for taxpayers both within and outside New York State who were afflicted by this atrocity.

Where taxpayers are impacted by a disaster declared by the President or the Governor, section 171 of the Tax Law authorizes the Commissioner to extend, for a period of up to 90 days, certain tax filing and payment deadlines. Accordingly, the relief afforded by section 171 is available to any taxpayer who was afflicted by the horrific occurrences at the World Trade Center, at the Pentagon, and in western Pennsylvania and who as a result cannot meet tax filing and payment deadlines.

Businesses or individuals who were afflicted by these tragic incidences should mark **WTC** on the top center of the front page of any late filed return, extension, declaration of estimated tax, estimated tax voucher, or other document, and should include a brief explanation of the circumstances that affected their ability to meet tax deadlines. Please note that you may be impacted by these events due to the fact that the office of your tax practitioner or tax professional is located in the area of the World Trade Center.

The Commissioner of Taxation and Finance has postponed deadlines from September 11, 2001, through December 10, 2001, for:

- filing any returns;
- paying any tax or installment of tax;
- filing a petition for credit or refund, or for redetermination of a deficiency, or application for review of a decision;
- allowing a credit or a refund;
- assessing tax;
- giving or making a notice or demand for payment of tax;
- collecting tax by levy or otherwise;
- bringing suit by New York State for any tax liability; and
- any other act required or permitted under the Tax Law or specified in the New York State Regulations.

Any deadlines for performance of the above required acts from September 11, 2001, through December 10, 2001, **have been extended to December 10, 2001**. Interest at the appropriate underpayment rate must be paid on tax payments received after the extended due date of December 10, 2001.

The Tax Department is providing an **extension of time** to afflicted taxpayers who cannot meet tax filing and payment deadlines **due to the coordinated terrorist attacks of September 11, 2001**, as follows:

New York State Personal Income Tax - Article 22

Estimated tax payments — Taxpayers who cannot file their installment payments of estimated income tax required to be made from September 11, 2001, through December 10, 2001, may make such installment payments on or before December 10, 2001. Such taxpayers who make any required installment payments on or before December 10, 2001, will be deemed to have made their installment payments on the original due date and will not be subject to underpayment penalty.

Calendar-year filers - Individuals, fiduciaries, or partnerships who received an additional extension to file their return where the extended due date is on or after September 11, 2001, but before December 10, 2001, and who are unable to file by this date, may file on or before December 10, 2001. No late filing, late payment, or underpayment penalties or interest will be imposed for the period of September 11, 2001, through December 10, 2001.

Fiscal-year filers — Fiscal-year taxpayers whose due date for filing a return (including extensions) or making an estimated tax payment falls from September 11, 2001, through December 10, 2001, may file and pay any tax due on or before December 10, 2001. Such returns filed on or before December 10, 2001, will not be subject to any late filing, late payment, or underpayment penalties or interest for the period of September 11, 2001, through December 10, 2001.

Fiscal year taxpayers who cannot meet the extended filing date of December 10, 2001, and who have not filed a previous extension request, may apply for a further extension of time by filing Form IT-370, *Application for Automatic Extension of Time to File for Individuals*, or Form IT-370-PF, *Application for Automatic Extension of Time to File for Partnerships and Fiduciaries*, as appropriate, on or before December 10, 2001, together with payment of the properly estimated amount of tax due.

If you cannot meet the extended filing date of December 10, 2001, and have already filed Form IT-370, or Form IT-370-PF, you may apply for an additional extension of time by filing Form IT-372, *Application for Additional Extension of Time to File for Individuals*, or IT-372-PF, *Application for Additional Extension of Time to File for Partnerships and Fiduciaries*, as appropriate, on or before December 10, 2001.

Withholding taxes — Employers who are required to file and make payment(s) from September 11, 2001, through December 10, 2001, for personal income tax withheld from their employees may file and make payment(s) of such personal income tax withheld with Form NYS-1, *Return of Tax Withheld*, on or before December 10, 2001. Employers who file Form NYS-1 with remittance by the applicable extended due date will be deemed to have filed and made such payments on the original due date, and will not be subject to late filing and late payment penalties or interest.

Quarterly combined withholding, wage reporting, and unemployment insurance returns — Form NYS-45 (including any payment of withholding tax or unemployment insurance), *Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return*, or NYS-45-ATT, *Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return - Attachment*, due from September 11, 2001, through December 10, 2001, may be filed on or before December 10, 2001.

Quarterly Supplemental Return for Construction Employers — Form NYS-45-CC, *Quarterly Supplemental Return for Construction Employers*, due from September 11, 2001, through December 10, 2001, may be filed on or before December 10, 2001. Employers who file Form NYS-45-CC by the extended filing deadline will be deemed to have filed by the original due date and will not be subject to late filing penalties.

New hire reporting — Employers who are required to file and report newly hired employees (whether by paper, fax, or magnetic media) from the dates of September 11 through December 10, 2001, may file and report such newly hired employee information on or before December 10, 2001. Employers who file these new hire reports by the extended filing deadline will be deemed to have filed their reports by the original due date(s) and will not be subject to the new hire reporting failure penalty.

New York State Corporation Taxes - Articles 9, 9-A, 13, 32, 33, and 33-A

Estimated tax payments -Taxpayers who cannot file their declarations of estimated tax or make installment payments of estimated tax required to be made from September 11, 2001, through December 10, 2001, may file such declarations and make such installment payments on or before December 10, 2001. Such taxpayers who file the declaration and make any required installment payments on or before December 10, 2001, will be deemed to have filed such declarations and made such installment payments on the original due date and will not be subject to underpayment penalties.

Calendar-year filers - Calendar year taxpayers who have a return or request for extension due from September 11, 2001, through December 10, 2001, may file their return or request for extension on or before December 10, 2001, and will not be subject to any late filing or late payments penalties or interest for the period September 11, 2001, through December 10, 2001. Extensions filed on or before December 10, 2001, will have the same effective date as if they had been filed on the original due date for that extension.

Fiscal-year filers - Fiscal-year taxpayers whose due date for filing a return falls from September 11, 2001, through December 10, 2001, may file their return on or before December 10, 2001, and will not be subject to late filing or late payment penalties or interest for the period September 11, 2001, through December 10, 2001.

If a fiscal year taxpayer has not previously filed all allowable requests for extension and the due date for filing an allowable request for extension falls from September 11, 2001, through December 10, 2001, the taxpayer may file its request for extension on or before December 10, 2001. Extensions filed on or before December 10, 2001, will have the same

effective date as if they had been filed on the original due date for that extension. The tax due on any return filed under such extension will not be subject to any late filing or late payment penalties or interest for the period September 11, 2001, through December 10, 2001.

Quarterly Return Filers - Taxpayers who are required to file quarterly returns CT-33-D, *Tax on Premiums Paid or Payable to an Unauthorized Insurer*, or CT-189, *Tax on Importation of Gas Services*, which were or are due from September 11, 2001, through December 10, 2001, may file their return and pay any tax due on or before December 10, 2001, and will not be subject to any late filing or late payment penalties or interest for the period September 11, 2001, through December 10, 2001.

Hazardous Waste Assessments - Section 27-0923 of the Environmental Conservation Law

Affected taxpayers who cannot meet filing deadlines from September 11, 2001, through December 10, 2001, for Form TP-550, *Return of Special Assessments on Generating, Treatment or Disposal of Hazardous Waste in New York State*, may file and pay any tax due by December 10, 2001.

Sales and Use Taxes - Articles 28 and 29

Taxpayers whose part-quarterly (monthly) or quarterly sales and use tax reports/returns due from September 11, 2001, through December 10, 2001, may file and pay any tax due on or before December 10, 2001, and no late filing or late payment penalties or interest will be imposed.

Taxpayers who are required to file a Form ST-130, *Purchaser's Report of Sales and Use Tax*, from September 11, 2001, through December 10, 2001, may file and pay any tax due on or before December 10, 2001, and no late filing or late payment penalties or interest will be imposed.

Alcoholic Beverage Tax, Cigarette Tax, Tobacco Products Tax, Gasoline Tax, Petroleum Business Tax and Highway Use Tax - Articles 18, 20, 12-A, 13-A, 21

Taxpayers whose alcoholic beverage tax, cigarette tax, tobacco products tax, gasoline tax, petroleum business tax, or highway use tax monthly, quarterly, or annual returns and reports are due from September 11, 2001, through December 10, 2001, may file and pay any tax due on or before December 10, 2001, and will not be subject to late filing or late payment penalties or interest.

Fuel Use Tax (IFTA) - Article 21-A

Taxpayers whose third quarter IFTA reports are due by October 31, 2001, may file and pay any tax on or before December 10, 2001, and will not be subject to late filing or late payment penalties. Interest will not be due on any fuel use tax due to New York State. However, interest may be due on tax due to other jurisdictions. New York is in the process of contacting the other IFTA jurisdictions to get permission to waive any interest that may be due to them as a result of the late filing of a report. Upon their approval, New York will waive interest due to other jurisdictions.

If the interest due on a late-filed report is waived by a jurisdiction, no interest will be imposed for the period October 31, 2001, through December 10, 2001. However, if the report is filed after the extended due date of December 10, 2001, interest at the rate of 1% a month must be paid, calculated from December 10, 2001, to the date of payment.

If the interest due on a late-filed report is not waived by a jurisdiction, interest will be imposed on the tax due to that jurisdiction, calculated from October 31, 2001, to the date of payment.

Estate Tax - Article 26

The due date (including any extended due date) for filing an estate tax return or making a payment of estate tax, that was due from September 11, 2001, through December 10, 2001, is extended to December 10, 2001, without interest or penalty.

Taxpayers who cannot meet the extended due date of December 10, 2001, for filing and/or paying the estate tax may apply for an additional extension of time by filing Form ET-133, *Application for Extension of Time to File and/or Pay Estate Tax*, on or before December 10, 2001. The granting of an extension of time to file the estate tax return beyond this special

extension does not further extend the time for payment of the estate tax. Any extension of time to pay the estate tax beyond December 10, 2001, will bear interest from December 10, 2001, to the date of payment.

Interest at the appropriate underpayment rate must be paid on all payments received after the extended due date of December 10, 2001.

Real Estate Transfer Tax - Article 31

Taxpayers who are required to file and make payment of their transfer tax with Form TP-584, *Combined Real Estate Transfer Tax Return and Credit Line Mortgage Certificate*, from September 11, 2001, through December 10, 2001, may file and make payment of such transfer tax on or before December 10, 2001.

Taxpayers who file and make payment of their transfer tax by the extended due date will be deemed to have filed and made such payments on the original due date and will not be subject to penalties or interest.

Electronic Funds Transfer (PromptTax) Payments

PromptTax filers who wish to avail themselves of the special filing and payment provisions presented above should call the Helpline at 1 800 338-0054.

All Other Taxes

Abatements of penalties on all other late filings of returns or late payments not made by the date required by law and not covered by this announcement will be handled on a case-by-case basis.

NEED HELP?



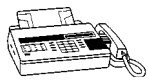
Telephone assistance is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday.

For business tax information and forms, call the New York State Business Tax Information Center at: 1 800 972-1233

For general information: 1 800 225-5829

To order forms and publications: 1 800 462-8100

From areas outside the U.S. and Canada: (518) 485-6800



Fax-on-Demand Forms: Forms are available 24 hours a day, 7 days a week 1 800 748-3676



Hotline for the hearing and speech impaired:

1 800 634-2110 from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday. If you do not own a telecommunications device for the deaf (TDD), check with independent living centers or community action programs to find out where machines are available for public use.



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, please call 1 800 225-5829.



If you need to write, address your letter to:

NYS TAX DEPARTMENT
TAXPAYER ASSISTANCE BUREAU
W A HARRIMAN CAMPUS
ALBANY NY 12227



Internet Access - www.tax.state.ny.us