



Instructions for Form MT-50

Beer Tax Return and Schedules A and B (Form MT-50), C (Form MT-51), and D (Form MT-52)

General information

Who must file Form MT-50

Distributors and noncommercial importers must complete Form MT-50 and pay the alcoholic beverages tax due on beer.

Distributors may elect to file on a calendar-year basis, provided certain qualifications are maintained. This election (effective January 1, 2001) may be made at any time during the year, provided the requirements are met on January 1 and are expected to be maintained during the remainder of the calendar year. To qualify, a person must be licensed as a beer distributor solely because they are engaged in the production of beer and be licensed with the State Liquor Authority (SLA) as either a microbrewery or as a restaurant brewer. To qualify as a *microbrewery*, less than 60,000 barrels (1,860,000 gallons) of beer per year may be produced. A barrel of beer equals 31 gallons for computation purposes. Prior to filing as an annual filer, a distributor must request annual filing status from the Tax Department by filing Form MT-38, *Application for Annual Beer Tax Return Filing Status*, together with a copy of their current SLA microbrewery or restaurant brewer's license.

The distributor must notify the department if they no longer meet the necessary qualifications for annual filing status. Under these circumstances, the distributor must file an abbreviated annual return based on the period ending with the month the qualifications were no longer met. Thereafter, the distributor must file monthly returns for the remainder of the calendar year. To reapply for annual status in a subsequent year or for further information on annual filing, see TSB-M-00(6)M, *Annual Filing Option Available for Certain Beer Distributors*.

When to file Form MT-50

A distributor must file Form MT-50 each month, or each year if filing on a calendar-year basis, even if no tax is due.

Noncommercial importers must file Form MT-50 for every month in which they imported beer into the state.

The monthly return is due on or before the 20th day of the following month. The annual return is due on or before the 20th day of the following January.

Do not use this form for periods prior to May 2009 when filing on a monthly basis or for 2009 if filing on an annual basis. For 2009, annual filers must use Form MT-50-SA, *Special Annual Beer Tax Return for Calendar Year 2009*. See *Need help?* on the back of the Form MT-50 to obtain the appropriate forms for prior periods.

Definitions

Beer means and includes all alcoholic beer, lager beer, ale, porter, and stout, and all other fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute containing one-half of 1%, or more, of alcohol by volume.

Distributor as used with respect to beer means any person who imports, or causes to be imported into New York State, beer for sale or for any commercial purpose; any purchaser of warehouse receipts for beer stored in a warehouse located in New York State who causes the removal of such beer from the warehouse; and any person who produces, brews, or manufactures within New York State beer that is offered for sale.

Noncommercial importer as used with respect to beer means a person other than a distributor who imports, or causes to be imported into New York State, beer that will not be offered for sale or used for any commercial purpose. However, persons purchasing beer out of state as an incident to a journey and bringing such beer back to this state in the quantities and under the circumstances specified as exempt in section 424.4 of the Tax Law are not deemed to be noncommercial importers (and, thus, will not have to file this return). For information on the section 424.4 exemption, see Publication 570, *Information on the Alcoholic Beverages Tax*.

Person means an individual, copartnership, limited liability company, society, association, corporation, joint stock company, or any combination of individuals. *Person* also includes an executor, administrator, receiver, trustee, or other fiduciary.

Use means any compounding or mixing of alcoholic beverages with other ingredients (or other treatments) that renders them unfit or unsuitable for consumption as a beverage. *Use* also includes the actual consumption or possession for consumption of alcoholic beverages.

Tax period and taxpayer identification

Enter month and year for monthly filers; enter only year for calendar filers.

Enter your legal name and complete address if they are not preprinted on the form. If the printed information is incorrect, make the appropriate corrections on the return **and** complete Form DTF-95, *Business Tax Account Update*. If only your address is incorrect, file Form DTF-96, *Report of Address Change for Business Tax Accounts*.

Enter your business telephone number, beer tax registration number, federal employer identification number or social security number, and State Liquor Authority (SLA) license number if you are a distributor.

Enter your social security number and **N/A** in the boxes for the beer tax registration number and the SLA license number, if you are a noncommercial importer.

Check the appropriate box(es) to indicate whether the business is a manufacturer, importer, or both.

Check the *No business this period* box if you did not import into New York State, cause to be imported into New York State, or manufacture beer during the period being reported on this return. Sign your return and mail it to the address indicated on the return (see *Payment and mailing addresses* on back).

Check the *Cancel registration* box if you are filing a final return and requesting that your registration be canceled. Complete this return for your operations during the period and send it to the address indicated on the return (see *Payment and mailing addresses* on back).

Check the *Amended return* box if this return amends a previous return. Enter the month and year or calendar year covered by the amended return in the space provided. The amended return should indicate the correct figures for that period—**not** the difference between the amount previously reported and the new figures. A full explanation of the changes must accompany the amended return.

Line instructions

All amounts must be reported in whole gallons (see *Rounding to whole gallons* on the back).

A noncommercial importer must only complete line 3 (and Schedule A for the name and address of seller, the name of the brewer or manufacturer of beer, and the gallons purchased during the month), line 5, line 7, line 13, line 15, and lines 16 through 24, if applicable.

Line 1 — Enter the total number of gallons of beer on hand at the beginning of the period covered by this return.

Line 2 — Enter the total number of gallons produced during the period.

Line 3 — Enter the total number of tax-free gallons purchased, from Schedule A.

Line 4 — Enter the total number of tax-paid gallons purchased, from Schedule B.

Line 6 — Enter the total number of gallons on hand at the end of the period.

Line 8 — Enter the number of gallons deducted for loss and waste on the premises. This deduction must be fully explained on a separate sheet and is subject to approval.

Line 9 — Enter the total tax-paid purchases, from Schedule B.

Line 10 — Enter the total out-of-state sales, from Form MT-51, Schedule C, *Out-of-State Sales*.

Line 11 — Enter the total in-state tax-free sales, from Form MT-52, Schedule D, *Tax-Free Sales*.

Line 14 — Enter the total number of **exempt** gallons brewed and sold or used in New York State.

Note: A distributor whose principal executive office is located within New York State is exempt from the New York State tax on the first 200,000 barrels (6,200,000 gallons) of beer both brewed in New York State and sold or used in New York State each calendar year. A barrel of beer equals 31 gallons for computation purposes.

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Such a distributor is also exempt from the New York City tax on the first 200,000 barrels of beer both brewed in New York State and sold or used in New York City each calendar year (see Form MT-53, *Schedule E*, line 5).

Line 16 — Enter in the *New York State* column, the net taxable gallons amount shown on line 15.

Enter an amount in the *New York City* column only if you sold beer in New York City or sold beer to a purchaser whose licensed premises are located in New York City. If you are a distributor, enter the number of gallons from Form MT-53, *Schedule E*, line 8. If you are a noncommercial importer, enter the number of gallons of beer imported or caused to be imported into New York City.

Line 18 — Compute the amount of New York State and New York City tax due. Multiply the amount on line 16 by the rate per gallon shown on line 17 and enter the result.

Note: Effective May 1, 2009, the New York State tax rate on beer increased 3 cents (from \$0.11 to \$0.14).

Line 19 — Enter the total amount of any adjustments from prior returns. Enter any subtraction in brackets []. Deduct any overpayment or add any underpayment from previous returns. Include amounts from any debit or credit memoranda sent to you from the New York State Tax Department. Attach a complete explanation.

Note: If you filed an amended return to report New York State or New York City changes to a prior return, you may **not** claim that adjustment on line 19.

Line 20 — If the total adjustments from prior returns result in an underpayment of tax, **add** lines 18 and 19. If the total adjustments from prior returns result in an overpayment of tax, **subtract** line 19 from line 18. This is the net tax due.

Line 21 — Penalty is imposed at the rate of 10% (.10) of the amount of tax due for the first month or fraction of a month that the tax remains unpaid, plus 1% (.01) for each subsequent month or fraction of a month that the tax remains unpaid, up to a maximum penalty of 30% (.30) of the tax due.

If a return is filed more than 60 days after its due date, the minimum penalty becomes the lesser of \$100, or 100% of the tax required to be paid.

Line 22 — Interest is computed at the rate set by the Commissioner of Taxation and Finance and is compounded daily. It is computed from the day the tax was due until the day the tax is paid. Interest is a charge for the use of state money and may not be waived.

Note: You may compute your penalty and interest by accessing our Web site at www.nystax.gov and clicking on *Online Tax Center*, or you may call and we will compute the penalty and interest for you (see *Need help?*).

Rounding to whole gallons

The tax on beer is calculated on the basis of whole gallons.

Complete and accurate records must be maintained for the actual volume of beer sold, purchased, and manufactured, whether the amounts are whole or partial gallons. However, each **total** must be rounded to whole gallons for tax purposes.

A quantity of less than one-half gallon (0.5) should be rounded down to the nearest whole gallon. A quantity of one-half gallon or more should be rounded up to the nearest whole gallon.

Payment and mailing addresses

Make your check or money order payable to: **Commissioner of Taxation and Finance**. Write on your check or money order **Form MT-50**, your identification number, and the period that you are reporting.

Attach your remittance to the return and mail to: **NYS Tax Department, ABT Processing, PO Box 22025, Albany NY 12201-2025**.

Private delivery services — If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to file your return and pay tax. However, if, at a later date, you need to establish the date you filed your return or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* on the back of Form MT-50 for information on ordering forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. If you use **any** private

delivery service, whether it is a designated service or not, address your return to: NYS Tax Department, Misc Tax Insourcing Unit, W A Harriman Campus, Albany NY 12227.

Instructions for Schedules A, B, C, and D

Schedule A - Tax-Free Purchases (back of Form MT-50)

Report the total of all tax-free purchases made by you in New York State during the period covered by the return. Include in this schedule all beer on which the New York State alcoholic beverages tax was not paid that was returned to you for credit by your customers. Do not include any beer that you returned to your supplier for credit if the beer was originally purchased in New York State free of the New York State alcoholic beverages tax. All purchases and returns may be reported as a one-item total from each source. However, bonded warehouse withdrawals must be listed separately by warehouse name, release number, and warehouse address.

Schedule B - Tax-Paid Purchases (back of Form MT-50)

Report the total of all tax-paid purchases made by you in New York State during the period covered by the return. Include all beer on which the New York State alcoholic beverages tax was paid that was returned to you for credit by your customers. Do not include any beer on which the New York State alcoholic beverages tax was paid that you returned to your supplier for credit if the beer was originally purchased in New York State. All purchases and returns may be reported as a one-time total from each source.

Schedule C - Out-of-State Sales (Form MT-51)

Report all tax-free sales of beer made to customers outside New York State. Use a separate schedule for each state.

To sell beer tax free to an out-of-state purchaser, possession of the beer must be transferred to the purchaser at a point outside New York State. (If an out-of-state purchaser or his or her agent takes possession of beer within New York State, a taxable sale has taken place. The alcoholic beverages tax is due on that sale and is not refundable to you.)

If applicable, attach **two** completed copies of Form MT-51 to the return (Form MT-50).

Schedule D - Tax-Free Sales (Form MT-52)

Include any sales of beer on which the state does not have the authority to impose tax. Include any sales to customers who have obtained written permission from the New York State Tax Department to purchase beer free of New York State alcoholic beverages tax. Include any sales of beer made by you to other distributors. Include any sales of beer from a point outside New York State direct to the customer's premises within this state.

If applicable, attach a completed copy of Form MT-52 to the return (Form MT-50).

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.