



Collection and Reporting Instructions for Printers and Mailers

For sales on and after September 1, 2009

Publication 831

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This publication provides printers, mailers, or printer-mailers with the information necessary to collect and report the correct amount of sales tax due New York State on printing and mailing charges.

Terms used in this publication are defined as follows:

- Printer** — A person engaged in the business of printing or duplicating
- Printed matter** — Materials that include, but are not limited to, advertising matter, annual reports, prospectuses, proxy notices, and other printed items
- Mailer** — A person engaged in mailing printed matter

A printer delivering printed matter to a mailer in New York State is required to collect the sales tax on the entire charge, unless the printer is furnished with proof of the portion to be mailed to persons outside New York State and the destinations of all the material to be mailed to persons in New York State. If such proof is furnished, the printer is required to collect sales tax only on the charge for that portion of the printed matter that will be mailed to persons in New York State.

A mailer or printer-mailer is required to collect the statewide and appropriate local sales taxes on the printing, addressing, and other taxable charges for printed matter mailed to persons in New York State, whether mailed from within or outside New York State. The mailer or printer-mailer must maintain records showing the destinations of all material sent to persons in New York State and the portion of the material mailed to persons outside New York State.

The statewide tax and local sales tax, at the rate in effect where delivery is made, must be collected on the entire charge if printed matter is delivered to the customer in New York State, even if the customer will subsequently send some or all of the printed matter to persons outside New York State.

1. Alternative method

If mailing records are not adequate to show the destinations of all the printed matter mailed to persons in New York State, the alternative method described below may be used to determine state and local sales and use taxes, provided the following conditions are met:

- (1) The mailing must include points throughout New York State.
- (2) If the mailing list includes out-of-state mailings and is compiled by geographic location, an actual count of out-of-state mailings must be made.

If the list is not compiled by geographic location, a sampling technique may be used provided 10% of the list, or 5,000 mailing pieces, whichever is less, is sampled.
- (3) The actual number of pieces mailed to New York City must be determined. Sampling under the conditions noted in item 2 may be used.

The alternative method **cannot** be used for printed matter upon which clerical, office typing, or computer printing operations are required to make the printed matter acceptable for the individual recipient or to accommodate the sender's usual use of such items. Thus, printed items such as invoices, statement forms,

payment notices, letterheads, envelopes for correspondence, and items that by their content are not interchangeable with items of other recipients on the mailing list, are subject to the New York State sales tax at the point from which the actual mailing service occurs. (See *Promotional materials* below.)

Outside mailing envelopes used to mail printed matter from a point in New York State through a post office in New York State are fully taxable because their use occurs in New York State, despite the fact that all or a portion of the contents may be subject to the alternative method (see exception under *Promotional materials* for envelopes used to enclose promotional materials). However, business envelopes enclosed for the recipient's use in replying are eligible for the alternative method, if the recipient is outside New York State.

Promotional materials

Promotional materials include any advertising literature, catalogs, and other related items, whether or not personalized, including, but not limited to: free gifts; complimentary maps and other items given to travel club members; applications; order forms; return envelopes; annual reports; prospectuses; promotional displays; and cheshire labels. The envelopes in which these articles are mailed are also considered promotional materials if the articles are **exclusively** promotional materials. (*Promotional materials* do **not** include invoices, statements of account, and similar documents.)

Any **printed** promotional materials delivered by a common carrier, the U.S. Postal Service, or a similar delivery service to a mailing address **within** New York State, are exempt from New York State sales and use taxes when a purchaser (directly or through a printer-mailer) delivers these materials to a customer or prospective customer **at no charge to the customer**.

However, all promotional materials (including free gifts, product samples, etc.,) mailed, shipped, or otherwise distributed by a printer-mailer from points within New York State to a mailing address **outside** New York State for use **outside** New York State, are exempt from sales and use taxes. Clerical functions performed on promotional materials being mailed out of state are also exempt.

Charges for the portion of a mailing list used in conjunction with the distribution of exempt promotional materials are also exempt. These charges are exempt whether the list is considered an information service or tangible personal property.

When the mailing includes several items that each require a different treatment for sales tax purposes, the appropriate sales tax treatment may be applied to each separate component of the mailing. It is necessary to maintain adequate records to substantiate the tax calculation for each component. For example, the alternative method of computing sales tax may be applied to product samples enclosed with monthly invoices, even though the alternative method cannot be used for the invoice, statements of accounts, and the outside mailing envelopes.

Note: **Printed** promotional materials delivered to points **in** New York State by a means **other than** the U.S. Postal Service or a similar delivery service, and free gifts, product samples, and other **nonprinted** promotional materials delivered to points **in** New York State, are subject to state and local sales and use tax.

2. Application of the alternative method

Under the alternative method, the rate of 8⁷/₈% (8.875%) is applied to New York City mailings, and an alternative rate, based on the population of New York State and the combined tax rates imposed therein, is applied to New York State mailings outside New York City.

The alternative rate reported in this publication changes when the combined tax rate in any jurisdiction (other than New York City) changes. Therefore, when a change occurs, this publication is revised to reflect the new rate.

Effective September 1, 2009, Ontario County's local sales tax rate increases to 7¹/₂%. The alternative rate for mailings made on and after September 1, 2009, is 8.191%. For mailings made before September 1, 2009, you must use the rate in effect at the time of the mailing.

If you need the alternative rate in effect for a prior period, contact the Sales Tax Information Center (see *Need help?* on page 3).

Under the alternative method, the printer or mailer is required to write or stamp on each bill, the following:

Total pieces mailed _____
Mailed to New York City at 8⁷/₈% _____
Mailed to balance of New York State at (alternative rate) _____

Example: *If after September 1, 2009, a printer-mailer did a job for \$1,400.00 (10,000 pieces mailed) using a qualified list, 70% or 7,000 pieces mailed out of state, 10% or 1,000 pieces mailed into New York City (8⁷/₈% tax rate), and 20% or 2,000 pieces mailed to points throughout the rest of the state (8.191% tax rate), the bill might appear as follows:*

Printing and addressing	\$1,200.00
Nontaxable mailing	<u>200.00</u>
Total sales price	1,400.00

Sales tax computation

New York City (10% of \$1,200.00)	\$120.00 at 8 ⁷ / ₈ %	10.65
New York State (20% of \$1,200.00)	240.00 at 8.191%	<u>19.66</u>
Total New York State and local taxes		30.31
Total due		<u>\$1,430.31</u>

3. Reporting of tax

Distribution of taxable sales at the alternative rate is as follows:

2.69%	Albany	.91%	Ontario
.46%	Allegany	3.11%	Orange
1.83%	Broome	.40%	Orleans
.57%	Cattaraugus (outside the following)	.95%	Oswego (outside the following)
.14%	Olean (city)	.16%	Oswego (city)
.06%	Salamanca (city)	.56%	Otsego
.49%	Cayuga (outside the following)	.87%	Putnam
.26%	Auburn (city)	1.39%	Rensselaer
1.27%	Chautauqua	2.61%	Rockland
.83%	Chemung	1.02%	St. Lawrence
.40%	Chenango (outside the following)	1.59%	Saratoga (outside the following)
.07%	Norwich (city)	.24%	Saratoga Springs (city)
.73%	Clinton	1.34%	Schenectady
.58%	Columbia	.29%	Schoharie
.44%	Cortland	.18%	Schuyler
.44%	Delaware	.30%	Seneca
2.55%	Dutchess	.72%	Steuben (outside the following)
8.66%	Erie	.10%	Corning (city)
.35%	Essex	.08%	Hornell (city)
.47%	Franklin	12.94%	Suffolk
.28%	Fulton (outside the following)	.67%	Sullivan
.14%	Gloversville (city)	.47%	Tioga
.08%	Johnstown (city)	.61%	Tompkins (outside the following)
.55%	Genesee	.27%	Ithaca (city)
.44%	Greene	1.62%	Ulster
.05%	Hamilton	.45%	Warren (outside the following)
.59%	Herkimer	.13%	Glens Falls (city)
1.02%	Jefferson	.56%	Washington
.25%	Lewis	.85%	Wayne
.59%	Livingston	4.87%	Westchester (outside the following)
.53%	Madison (outside the following)	.62%	Mount Vernon (city)
.10%	Oneida (city)	.66%	New Rochelle (city)
6.70%	Monroe	.48%	White Plains (city)
.45%	Montgomery	1.79%	Yonkers (city)
12.17%	Nassau	.40%	Wyoming
2.00%	Niagara	.22%	Yates
1.28%	Oneida (outside the following)		
.32%	Rome (city)	100.0%	
.55%	Utica (city)		
4.18%	Onondaga		

For record-keeping purposes, the printer or mailing house vendor would be required to separate alternative method bills to determine the following quarterly amounts:

Tax collected — New York City	\$8,875.00
Tax collected — Alternative	<u>16,382.00</u>
Total tax collected	\$25,257.00

Gross sales
 Taxable sales — New York City
 Taxable sales — Alternative
 Tax collected — New York City
 Tax collected — Alternative

Using the percentages shown on page 2, the taxable sales for each locality would be computed and shown on Form ST-100, *New York State and Local Quarterly Sales and Use Tax Return*, as the following chart illustrates.

Assume that a mailing house rendered all bills on the alternative method and had the following taxable sales for a quarterly period after September 1, 2009.

Taxable sales — New York City	\$100,000.00
Taxable sales — Alternative	<u>200,000.00</u>
Total taxable sales	\$300,000.00

Note: If you are using the alternative method, and a mathematical discrepancy occurs between the tax actually collected and the tax distributed as shown on Form ST-100, make any necessary adjustment to the *New York State only* reporting line.

Taxing jurisdiction	Combined tax rate	Taxable sales and services	ST-100 Sales and use taxes
Albany	8%	5,380.00	430.40
Allegany	8½%	920.00	78.20
Broome	8%	3,660.00	292.80
Cattaraugus (outside the following)	8%	1,140.00	91.20
Olean (city)	8%	280.00	22.40
Salamanca (city)	8%	120.00	9.60
Cayuga (outside the following city)	8%	980.00	78.40
Auburn (city)	8%	520.00	41.60
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Wayne	8%	1,700.00	136.00
Westchester (outside the following)	7¾%	9,740.00	718.33
Mount Vernon (city)	8¾%	1,240.00	103.85
New Rochelle (city)	8¾%	1,320.00	110.55
White Plains (city)	8½%	960.00	78.00
Yonkers (city)	8¾%	3,580.00	299.83
Wyoming	8%	800.00	64.00
Yates	8%	440.00	35.20
New York City	8 ⁷ / ₈ %	<u>100,000.00</u>	<u>8,875.00</u>
Total		300,000.00	\$25,257.00

Need help?



Internet access: www.nystax.gov
 (for information, forms, and publications)



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



Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.
Sales Tax Information Center: (518) 485-2889
 For in-state callers without free long distance: 1 800 698-2909
 To order forms and publications: (518) 457-5431
 For in-state callers without free long distance: 1 800 462-8100



Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY): If you have access to a TTY, contact us at 1 800 634-2110. If you do not own a TTY, 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, call the information center.