

**LOCAL LAWS**  
**OF**  
**THE CITY OF NEW YORK**  
**FOR THE YEAR 1990**

**No. 45**

Introduced by Council Member Berman—read and referred to the Committee on Finance.  
(Passed Under a Message of Necessity from the Mayor.)

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the time of payment of certain installments of estimated tax for purposes of the city general corporation tax and banking corporation tax.**

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of section 11-607 of the administrative code of the city of New York is amended to read as follows:

3. In the case of a taxpayer which reports on the basis of a calendar year, a declaration of estimated tax shall be filed on or before June fifteenth of the current privilege period, except that if the requirements of subdivision one are first met:

(a) after [June first] *May thirty-first* and before [October second] *September first* of such current privilege period, the declaration shall be filed on or before [October] *September* fifteenth, or

(b) after [October first] *August thirty-first and before December first* of such current privilege period, the declaration shall be filed on or before [January] *December* fifteenth [of the succeeding calendar year].

[Notwithstanding any other provisions of this subdivision, no declaration need be filed prior to September thirteenth, nineteen hundred sixty-six.]

§2. Paragraphs (a) and (b) of subdivision 5 of section 11-607 of such code are amended to read as follows:

(a) such report shall be considered as its declaration if no declaration is required to be filed during the calendar or fiscal year for which the tax was imposed, but is otherwise required to be filed on or before [the] *December fifteenth* [day of the first month of the succeeding year] pursuant to subdivision three, and

(b) such report shall be considered as the amendment permitted by subdivision four to be filed on or before [the] *December fifteenth* [day of the first month of the succeeding year] if the tax shown on the report is greater than the estimated tax shown on a declaration previously made.

§3. Paragraphs (a), (b) and (c) of subdivision 2 of section 11-608 of such code are amended to read as follows:

(a) If the declaration is filed on or before June fifteenth, the estimated tax shown thereon, after applying thereto the amount, if any, paid during the same privilege period pursuant to subdivision one, shall be paid in three equal installments. One of such installments shall be paid at the time of the filing of the declaration, one shall be paid on the following [October] *September* fifteenth, and one on the following [January] *December* fifteenth.

(b) If the declaration is filed after June fifteenth and not after [October] *September* fifteenth

of such privilege period, and is not required to be filed on or before June fifteenth of such period, the estimated tax shown on such declaration, after applying thereto the amount, if any, paid during the same privilege period pursuant to subdivision one, shall be paid in two equal installments. One of such installments shall be paid at the time of the filing of the declaration and one shall be paid on the following [January] *December* fifteenth.

(c) If the declaration is filed after [October] *September* fifteenth of such privilege period, and is not required to be filed on or before [October] *September* fifteenth of such privilege period, the estimated tax shown on such declaration, after applying thereto the amount, if any, paid in respect [of] *to* such privilege period pursuant to subdivision one, shall be paid in full at the time of the filing of the declaration.

§4. Subdivision 3 of section 11-608 of such code is amended to read as follows:

3. If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased (as the case may be) to reflect any increase or decrease in the estimated tax by reason of such amendment, and if any amendment is made after [October] *September* fifteenth of the privilege period, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

§5. Paragraphs 1 and 2 of subdivision (c) of section 11-644 of such code are amended to read as follows:

(1) after [June first] *May thirty-first* and before [October second] *September first* of such current taxable year, the declaration shall be filed on or before [October] *September* fifteenth, or

(2) after [October first] *August thirty-first and before December first* of such current taxable year, the declaration shall be filed on or before [January] *December* fifteenth [of the succeeding calendar year].

§6. Paragraphs 1 and 2 of subdivision (e) of section 11-644 of such code are amended to read as follows:

(1) such return shall be considered as its declaration if no declaration was required to be filed during the taxable year for which the tax was imposed, but is otherwise required to be filed on or before [the] *December* fifteenth [day of the first month of the succeeding year] pursuant to paragraph two of subdivision (c) of this section, and

(2) such return shall be considered as the amendment permitted by subdivision (d) of this section to be filed on or before [the] *December* fifteenth [day of the first month of the succeeding year] if the tax shown on the return is greater than the estimated tax shown on a declaration previously made.

§7. Paragraphs 1, 2 and 3 of subdivision (b) of section 11-645 of such code are amended to read as follows:

(1) If the declaration is filed on or before June fifteenth, the estimated tax shown thereon, after applying thereto the amount, if any, paid during the same taxable year pursuant to subdivision (a) of this section, shall be paid in three equal installments. One of such installments shall be paid at the time of the filing of the declaration, one shall be paid on the following [October] *September* fifteenth, and one on the following [January] *December* fifteenth.

(2) If the declaration is filed after June fifteenth and not after [October] *September* fifteenth of such taxable year, and is not required to be filed on or before June fifteenth of such year, the estimated tax shown on such declaration, after applying thereto the amount, if any, paid during the same taxable year pursuant to subdivision (a) of this section, shall be paid in two equal installments. One of such installments shall be paid at the time of the filing of the declaration and one shall be paid on the following [January] *December* fifteenth.

(3) If the declaration is filed after [October] *September* fifteenth of such taxable year, and is

not required to be filed on or before [October] *September* fifteenth of such year, the estimated tax shown on such declaration, after applying thereto the amount, if any, paid in respect of such year pursuant to subdivision (a) of this section, shall be paid in full at the time of the filing of the declaration.

§8. Subdivision (c) of section 11-645 of such code is amended to read as follows:

(c) Amendments of declarations. If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased (as the case may be) to reflect any increase or decrease in the estimated tax by reason of such amendment, and if any amendment is made after [October] *September* fifteenth of the taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

§9. Paragraph (c) of subdivision 4 of section 11-676 of such code is amended to read as follows:

(c)(i) An amount equal to ninety per centum of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(1) for the first three months or the first five months of the taxable year, in the case of the installment required to be paid in the sixth month,

(2) for the first six months[, ] or the first eight months [or the first nine months] of the taxable year, in the case of the installment required to be paid in the [tenth] *ninth* month, and

(3) for the first nine months [, ] or the first eleven months [or the full twelve months] of the taxable year, in the case of the installment required to be paid in the [first] *twelfth* month [of the next succeeding year].

(ii) For purposes of subparagraph (i) the taxable income shall be placed on an annualized basis by:

(1) multiplying it by twelve (or, in the case of a taxable year of less than twelve months, the number of months in the taxable year) and

(2) dividing the resulting amount by the number of months *in the taxable year* (three, five, six, eight, nine[, ] or eleven [or twelve], as the case may be) referred to in subparagraph (i), or

§10. This local law shall take effect immediately and shall apply to declarations of estimated tax and installment payments on account thereof due after June 15, 1990 for taxable years beginning on or after January 1, 1990.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 30, 1990, and approved by the Mayor on July 12, 1990.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law 45 of 1990, Council Int. No. 477) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 30, 1990:  
34 for, 0 against

Was approved by the Mayor on July 12, 1990.

Was returned to the City Clerk on July 13, 1990.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel