



# Instructions for Form NYC-RAX - Horse Race Admissions Tax

## GENERAL INFORMATION

### DEFINITIONS: SEC. 11-1201

1. "Racing corporation or association". A racing corporation or association or other person owning or operating race meeting grounds or enclosures located wholly or partly within the City of New York, and/or a racing corporation or association or other person conducting race meetings at such grounds or enclosures.
2. "Person". Includes an individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.
3. "Return". Includes any return filed or required to be filed as herein provided.
4. "Admissions". The charge required to be paid by patrons for admission to a running horse race meeting, including any charge required to be paid by such patrons for admission to the clubhouse or other special facilities within the race meeting grounds or enclosure at which the running race meeting is conducted.

### IMPOSITION OF TAX - SEC. 11-1202

A tax is hereby imposed on all admissions to running horse race meetings conducted at race meeting grounds or enclosures located wholly or partly within the City of New York at the rate of three percent of the admission price. The racing association or corporation conducting a running horse race meeting shall, in addition to the admission price, collect such tax on all tickets sold or otherwise disposed of to patrons for admission with the sole exception of those issued free passes, cards or badges in accordance with the specific authority of the laws of the state of New York. In case of failure to collect such tax the tax shall be imposed on the racing corporation or association conducting such meeting.

### PAYMENT OF THE TAX – SEC. 11-1203

1. The tax imposed by this chapter shall be paid by the racing corporation or association to the Commissioner of Finance daily after each day of each race meeting, by depositing it to the account of the City in such bank or banks as may be designated by the City in accordance with the provisions of section four hundred twenty-one of the New York City Charter or at such regular intervals as the Commissioner of Finance may require.

2. The amount of the tax paid on admissions pursuant to this chapter shall be the property of the City of New York and shall be held by the racing corporation or association as trustee for and on account of the City of New York and the racing corporation or association shall be liable for the tax. Officers of the racing corporation or association shall be personally liable for the tax collected or required to be collected hereunder.
3. Every racing corporation or association conducting running horse race meetings at race meeting grounds or enclosures located wholly or partly within the City of New York shall, on or before April first, nineteen hundred fifty-two and annually thereafter, before the opening of any race meeting in each year, execute and file with the Commissioner of Finance a bond issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility in an amount sufficient to secure the payment of taxes and/or penalties and interest due or which may become due hereunder, to be fixed by the Commissioner of Finance.

### RETURNS – SEC. 11-1204

1. Every racing corporation or association shall file with the Commissioner of Finance daily after each day of each race meeting or at such regular intervals as the Commissioner of Finance may require and upon such forms as shall be prescribed by the Commissioner of Finance a return showing the taxes collected pursuant to this chapter and the number of persons admitted to meetings conducted by the racing corporation or association during the periods covered by the return, together with any and all other information which the Commissioner of Finance shall require to be included and reported in such return. The Commissioner of Finance may require at any time supplemental or amended returns of such additional information or data as he or she may specify.
2. Every return required hereunder shall have annexed thereto an affidavit of an officer of the racing corporation or association to the effect that the statements contained therein are true.

### INTEREST – SEC. 11-1213

If the tax is not paid on or before the due date, interest must be paid on the amount of the underpayment from the due date to the date

paid. For information as to the applicable rate of interest call 212-232-1264. Interest amounting to less than \$1 need not be paid.

### PENALTY – SEC. 11-1213

- a) If you fail to file a return when due, add to the tax (less any payments made on or before the due date) 5% for each month or partial month the form is late, up to 25%, unless the failure is due to reasonable cause.
- b) If the return is filed more than 60 days late, the minimum late filing penalty cannot be less than the lesser of 1) \$100 or 2) 100% of the amount required to be shown on the return less any payment or credits claimed.
- c) If you fail to pay the tax shown on the return by the prescribed filing date, add to the tax (less any payments made) 1/2% for each month or partial month the payment is late up to 25%, unless the failure is due to reasonable cause.
- d) The total of the additional charges in (a) and (c) may not exceed 5% for any one month except as provided in (b).

If you claim not to be liable for these additional charges, a statement in support of your claim should be attached to the return. Additional penalties may be imposed on any underpayment of the tax due to negligence or fraud.

### TOTAL REMITTANCE DUE

Add lines 2, 3, and 4 to obtain the total amount due. Make your check payable to the order of: NYC Department of Finance. PAYMENT MUST BE IN U.S. DOLLARS, DRAWN ON A U.S. BANK.

### WHEN AND WHERE TO FILE

The report and all accompanying documents, including payment, must be filed and postmarked **on or before the tenth day after the close of each race meeting** covered by the period. The term "race meeting" means a period of time, typically a number of months, during which the racing corporation or association conducts horse races at a given location on most, typically five, days of each week. See Title 19 of the Rules of the City of New York §47-02(d). Reports and remittances should be mailed to:

NYC Department of Finance  
Automated Tax Processing Unit  
Horse Race Admissions Tax  
59 Maiden Lane, 19th Floor  
New York, NY 10038