FOR OFFICIAL USE ONLY

2008 STATE OF NEW JERSEY LITTER CONTROL FEE RETURN

P.L. 2002, c. 128

TAX YEAR ENDING DECEMBER 31, 2008

DUE DATE: FILE ON OR BEFORE MARCH 15, 2009

LF-5
(11-08)

CHECK LEVEL AT WHICH PRINCIPAL PRODUCTS ARE SOLD:

☐ WHOLESALE ☐ RETAIL ☐ BOTH

BOTH SIDES OF THIS FORM MUST BE COMPLETED.

FEDERAL EMPLOYER I.D.NUMBER_____

BUSINESS NAME.

MAILING ADDRESS .

CITY STATE ZIP CODE

	(A) RETAIL SALES	(B) WHOLESALE SALES
1. GROSS RECEIPTS (see instruction 5)		
2. LESS DEDUCTIONS (see instruction 5)		
3. BALANCE SUBJECT TO FEE (line 1 - line 2)		
4. FEE RATE (see instruction 5)	.000225	.0003
5. AMOUNT OF FEE DUE (line 3 x line 4)		
6. ADD: PENALTY AND INTEREST (see instruction 5)		
7. AMOUNT DUE (line 5 plus line 6)		
8. **TOTAL AMOUNT DUE** (line 7A plus line 7B)		

MAKE CHECK PAYABLE TO STATE OF NJ - LITTER CONTROL FEE

DETACH AT PERFORATION --- READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS RETURN

1. **WHO IS SUBJECT TO THE FEE** - The litter control fee is imposed on each person engaged in business in this State as a retailer, manufacturer, wholesaler or distributor of litter-generating products. Any retailer (but not a wholesaler) with less than $500,000 in annual retail sales of litter-generating products is exempt from this fee. Restaurants with gross receipts reflecting over 50% eat-in sales are not deemed "retailers" for purposes of this fee. (Check 4(b) on back of form).

2. **SALES SUBJECT TO FEE** - The retail sales and/or wholesale sales of litter generating products sold within and into New Jersey are subject to the Litter Control Fee. A "wholesale sale" is a sale for resale. A "retail sale" is a sale for ultimate consumption or any purpose other than resale. Indicate the type of sales activity in your business by checking the appropriate line on the reverse side of the return. "Sales within the State" means all retail sales and all wholesale sales by any persons engaged in business within New Jersey of litter-generating products for use and consumption within New Jersey. It shall be presumed that all sales of litter-generating products sold within the state are for use and consumption within the state unless the business shows that the products are shipped out-of-state for out-of-state use. Additionally, "sales within the State" or "sold within New Jersey" means all sales of litter-generating products from points outside New Jersey having a New Jersey destination made by every manufacturer, wholesaler, distributor and retailer having nexus with New Jersey without regard to the state in which title passes or delivery takes place.

3. **LITTER-GENERATING PRODUCTS SUBJECT TO FEE** - Litter-generating products are the fifteen categories of products listed below which meet any of the following conditions:
   (a) Products produced, distributed or purchased in disposable containers, packages or wrappings; or
   (b) Products not usually sold in packages, containers or wrappings but are commonly discarded in public places; or
   (c) Products of an unsightly or unsanitary nature commonly thrown, dropped, discarded, placed or deposited by a person on public property, or on private property not owned by him.

   It shall be presumed that *all* products in the following categories listed satisfy at least one of the above conditions and qualify as a litter-generating product.
   1. Groceries
   2. Nondrug drugstore sundry products
   3. Food for human or pet consumption
   4. Soft drinks and carbonated waters
   5. Beer and other malt beverages
   6. Wine
   7. Distilled spirits
   8. Cigarettes and tobacco products
   9. Cleaning agents and toiletries
   10. Paper products and household paper except books, roll stock and wood pulp
   11. Newsprint and magazine paper stock
   12. Motor vehicle tires
   13. Glass containers sold as such
   14. Metal containers sold as such
   15. Plastic or fiber containers made of synthetic material and sold as such (not including any container which is routinely reused, has a useful life of more than one year and is ordinarily sold empty at retail).

NOTE: Litter Control Fee guidelines which include definitions of the above products are available on request from the Division's Taxpayer Forms Service, PO Box 269, Trenton, New Jersey 08695-0269, phone 1-800-323-4400 or 609-292-6400. The guidelines are also available on the Division's website at www.state.nj.us/treasury/taxation/ under the Publications option.

4. **FEE COMPUTATION METHODS** - The fee may be computed using any one of the following three methods. Be sure to check the appropriate box indicating the method used on the reverse side of the fee return.
   (a) GENERAL METHOD - The business may apply the proper fee rate to its gross receipts from RETAIL sales of LITTER-GENERATING products within or into New Jersey and/or its gross receipts from WHOLESALE sales of LITTER-GENERATING products within or into New Jersey which were sold during the period covered by the return; or
   (b) TOTAL SALES METHOD - In lieu of maintaining detailed records which would substantiate the business's gross receipts figure(s) from sales of litter-generating products, the business may elect to apply the proper fee rate to its gross receipts from retail sales of ALL products within or into New Jersey and/or its gross receipts from wholesale sales of ALL products within or into New Jersey which were sold during the period covered by the return; or
   (c) PERCENTAGE OF SALES METHOD - As a third alternative, the business may elect to apply the proper fee rate to the proportionate amount of its gross receipts from retail sales of ALL products within or into New Jersey and/or the proportionate amount of its gross receipts from wholesale sales of ALL products within or into New Jersey which were sold during the period covered by the return. The percentage(s) should reflect the portion of total retail sales and/or total wholesale sales represented by sales of litter-generating products in those sales categories. The percentage(s) must be determined from actual sales data from a sample period of at least one month within the return period which is representative of the business's sales activity during the entire period covered by the return. This percentage is computed by dividing the gross receipts from sales of litter-generating products by the gross receipts from total sales for the sample period.

COMPLETE THE FOLLOWING: (Check off all applicable items)

1. PRINCIPAL BUSINESS ACTIVITY

(a) ____ MANUFACTURER (MAKER, FABRICATOR OR PROCESSOR)

(b) ____ WHOLESALER OR DISTRIBUTOR (MORE THAN 50% OF TOTAL SALES ARE WHOLESALE)

(c) ____ RETAILER (MORE THAN 50% OF TOTAL SALES ARE RETAIL)

(d) ____ NONE OF THE ABOVE. (IDENTIFY) _____

_____

2. PRINCIPAL PRODUCT(s) SOLD _____

3. CHECK FEE COMPUTATION METHOD USED (See Instruction 4)

(a) ____ General (b) ____ Total Sales (c) ____ Percentage of Sales

4. IF THE BUSINESS IS **NOT SUBJECT** TO THIS FEE, STATE THE REASON FOR SUCH CLAIM.

(a) ____ THE BUSINESS IS A RETAILER WITH LESS THAN $500,000 IN ANNUAL RETAIL SALES OF LITTER-GENERATING PRODUCTS.

(b) ____ THE BUSINESS IS A RESTAURANT WHERE MORE THAN 50% OF THE SALES OF FOOD AND DRINK IS CONSUMED ON THE PREMISES.

(c) ____ THE BUSINESS DOES NOT SELL ANY LITTER-GENERATING PRODUCTS

(d) ____ OTHER (EXPLAIN) _____

MAKE CHECK PAYABLE TO: STATE OF NJ - LITTER CONTROL FEE

MAIL RETURN WITH PAYMENT TO: DIVISION OF TAXATION, LITTER CONTROL FEE, REVENUE PROCESSING CENTER, PO BOX 274, TRENTON, NJ 08646-0274.

I SWEAR, VERIFY AND /OR AFFIRM THAT ALL INFORMATION ON THIS RETURN IS CORRECT. I AM AWARE THAT IF ANY OF THE FOREGOING INFORMATION PROVIDED BY ME IS KNOWINGLY FALSE, I AM SUBJECT TO PUNISHMENT.

_____ X _____

(DATE) (SIGNATURE OF DULY AUTHORIZED OFFICER OF FEE PAYER) (TITLE)

_____ X _____

(DATE) (RETURN PREPARER'S SIGNATURE) (ADDRESS) (PREPARER'S I.D. NUMBER)

_____

(NAME OF RETURN PREPARER'S EMPLOYER) (ADDRESS) (EMPLOYER'S I.D. NUMBER)

NOTE: For purposes of computing the fee using any of the three methods indicated, the business may, in lieu of segregating retail sales from wholesale sales, compute the fee by applying the wholesale fee rate (.0003) to the total gross receipts from all sales determined to be subject to the Litter Control Fee.

5. ITEMIZED INSTRUCTIONS

LINE 1 - GROSS RECEIPTS OF LITTER GENERATING PRODUCTS: Enter the gross receipts (whole dollars only) from retail sales in column A and the gross receipts from wholesale sales in column B of litter-generating products sold within or into New Jersey during the period covered by the return. Gross receipts must be reported on the accrual basis and NOT as collections are made. Refer to instruction 2 regarding sales subject to the fee.

LINE 2 - DEDUCTIONS: Enter the gross receipts (whole dollars only) from sales of litter-generating products which fall into any of the following categories:

(a) A sale of a litter-generating product by a wholesaler or distributor to another wholesaler or distributor (A wholesaler or distributor is a person primarily making wholesale sales rather than retail sales and does not include a manufacturer);

(b) A sale of a litter-generating product by a company to another company owned wholly by the same individuals or companies; and

(c) A sale of a litter-generating product by a wholesaler or distributor owned cooperatively by retailers to those retailers.

LINE 3 - BALANCE SUBJECT TO FEE: Subtract Line 2 from Line 1 and enter on Line 3.

LINE 4 - FEE RATE: Gross receipts from retail sales of litter-generating products sold within or into New Jersey are subject to the fee at the rate of 2.25/100 of 1% (.000225). Gross receipts from wholesale sales of litter-generating products sold within or into New Jersey are subject to the fee at the rate of 3/100 of 1% (.0003).

LINE 5 - AMOUNT OF FEE DUE: Multiply Line 3 by Line 4 in column (A) and/or column (B) to compute the fee due.

LINE 6 - ADD: PENALTY AND INTEREST - Failure of any business to file a Litter Control Fee return by the due date and/or failure to make remittance for the fee due by said date will subject the business to penalty and interest charges as follows:

A. Penalty Charges:

1. LATE FILING - 5% per month or fraction thereof of the underpayment not to exceed 25% of such underpayment. Also, a penalty may be imposed of $100 for each month or fraction thereof the return is delinquent.
2. LATE PAYMENT - 5% of the balance of fee due paid late may be imposed.

B. Interest Charge:

The annual interest rate is 3% above the average predominant prime rate. Interest is imposed each month or fraction thereof on the unpaid balance of fee from the original due date to the date of payment. At the end of each calendar year, any fee, penalties and interest remaining due will become part of the balance on which interest will be charged.

NOTE: The average predominant prime rate is the rate as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses on December 1st of the calendar year immediately preceding the calendar year in which payment was due or as redetermined by the Director in accordance with N.J.S.A. 54:48-2.

LINE 7 - AMOUNT DUE: Add Line 5 plus Line 6 for column (A) and/or column (B).

LINE 8 - TOTAL AMOUNT DUE: Add Line 7, column (A) plus Line 7, column (B). This is the amount which you must remit with your return.

6. FILING REQUIREMENTS

(a) Each business subject to the Litter Control Fee must file an annual fee return on or before March 15 of each year for the preceding calendar year's fee liability.

(b) The return must be signed by an officer of the fee payer authorized to act to the effect that the statements contained therein are true. Return preparers who fail to sign the return or provide their assigned tax ID# shall be liable for a $25 penalty for each such failure.

(c) All records and other supporting documents which are used in completing this return must be retained and made available for examination for at least 5 years following the filing of this return.

7. **ELECTRONIC FUNDS TRANSFERS** - The Division of Revenue has established procedures to allow the remittance of tax payments through Electronic Funds Transfer (EFT). Taxpayers with a prior year's liability of $10,000 or more in any one tax are required to remit all tax payments using EFT. If you have any questions concerning the EFT program, call (609) 984-9830 or write to N.J. Division of Revenue, EFT Section, PO Box 191, Trenton, NJ 08646-0191.