S T A T E   O F   N E W   Y O R K

_____

5710--A

2009-2010 Regular Sessions

I N   S E N A T E

May 29, 2009
_____

Introduced by Sens. KRUGER, C. JOHNSON, LANZA, STEWART-COUSINS -- read
  twice and ordered printed, and when printed to be committed to the
  Committee on Finance -- recommitted to the Committee on Finance in
  accordance with Senate Rule 6, sec. 8 -- committee discharged, bill
  amended, ordered reprinted as amended and recommitted to said commit-
  tee

AN ACT to amend the tax law, in relation to the definition of a tax
  return preparer

  THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Paragraph 14 of subdivision (a) of section 32 of the tax
 2 law, as amended by section 1 of part F of chapter 503 of the laws of
 3 2009, is amended to read as follows:
 4   (14) "Tax return preparer" means an individual who prepares a substan-
 5 tial portion of any return for compensation. [Enrolled agents or employ-
 6 ees] EMPLOYEES of a tax return preparer or a commercial tax return prep-
 7 aration business who prepare returns for clients of that preparer or
 8 preparation business, as applicable, and partners who prepare returns
 9 for clients of a partnership engaged in a commercial tax return prepara-
10 tion business, are all "tax return preparers" for purposes of this
11 section. Excluded from the definition of "tax return preparer" are
12 attorneys, public accountants, ENROLLED AGENTS, and certified public
13 accountants, and employees of an attorney, public accountant, ENROLLED
14 AGENT, certified public accountant, or firm thereof preparing returns
15 under the supervision of such attorneys, public accountants, certified
16 public accountants AND ENROLLED AGENTS or firms thereof. Also excluded
17 are volunteer tax preparers, employees of a business or partners in a
18 partnership whose job responsibilities include preparation of only the
19 business' or partnership's returns, and employees of a tax return
20 preparer or a commercial tax return preparation business who provides
21 only clerical or other comparable services.
22   S 2. This act shall take effect immediately.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.
                                                        LBD14036-02-0