

3572

2013-2014 Regular Sessions

I N   S E N A T E

February 6, 2013

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Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the tax law, in relation to exempting certain veterans organizations from tax on non-highway diesel motor fuel used for heating purposes

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

1     Section 1. Paragraph 5 of subdivision (b) of section 1116 of the tax  
2     law, as amended by chapter 619 of the laws of 1995, is amended to read  
3     as follows:  
4     (5) purchases of motor fuel or diesel motor fuel from the tax required  
5     to be prepaid pursuant to section eleven hundred two of this article and  
6     retail sales of motor fuel or diesel motor fuel subject to the tax  
7     imposed by sections eleven hundred five and eleven hundred ten of this  
8     article, except that purchases of such fuel by an organization described  
9     in paragraph one or two of subdivision (a) of this section for its own  
10    use or consumption, purchases of motor fuel by a hospital included in  
11    the organizations described in paragraph four of such subdivision for  
12    its own use and consumption, purchases of motor fuel and diesel motor  
13    fuel by a fire company or fire department, as defined in section three  
14    of the volunteer firefighters' benefit law or a voluntary ambulance  
15    service, as defined in section three thousand one of the public health  
16    law, for such department, company or service's own use and consumption  
17    for use in firefighting vehicles, apparatus or equipment, or emergency  
18    rescue or first aid response vehicles, apparatus or equipment, owned and  
19    operated by such department, company or service if such company, depart-  
20    ment or service qualifies as an exempt organization pursuant to the  
21    provisions of paragraph four of subdivision (a) of this section and  
22    purchases of diesel motor fuel by an organization described in paragraph  
23    four OR FIVE of such subdivision for its own heating use and consumption

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

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1 shall be exempt from such tax required to be prepaid and from retail  
2 sales and use taxes on such fuel.  
3 S 2. This act shall take effect September 1, 2013, and shall apply to  
4 sales made, uses occurring and services rendered on or after such date,  
5 in accordance with applicable transitional provisions in sections 1106  
6 and 1217 of the tax law.