

# STATE OF NEW YORK

4809

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

Introduced by M. of A. MANKTELOW -- read once and referred to the  
Committee on Ways and Means

AN ACT to amend the tax law, in relation to exempting certain motor  
vehicles, parts and services therefor and railroad rolling stock,  
parts and services therefor from the sales and use tax imposed by the  
state

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. Paragraph 3 of subdivision (c) of section 1105 of the tax  
law is amended by adding two new subparagraphs (xii) and (xiii) to read  
as follows:

(xii) services rendered with respect to the maintenance and repair of  
railroad and rolling stock, parts thereof and the structural components  
of the railroad as defined in paragraph forty-six of subdivision (a) of  
section eleven hundred fifteen of this article.

(xiii) services rendered with respect to the maintenance and repair of  
motor vehicles and the parts thereof as defined in paragraph forty-six  
of subdivision (a) of section eleven hundred fifteen of this article.

§ 2. Clause 1 of subdivision (b) of section 1107 of the tax law, as  
amended by chapter 472 of the laws of 2000, is amended to read as  
follows:

(1) The exemptions provided for in paragraphs forty-six and forty-sev-  
en of subdivision (a) and subdivision (c) of section eleven hundred  
fifteen of this article and the exceptions provided for in subparagraphs  
(xii) and (xiii) of paragraph three of subdivision (c) of section eleven  
hundred five of this part shall not apply to fuel, gas, electricity,  
refrigeration and steam, and gas, electric, refrigeration and steam  
service of whatever nature for use or consumption directly and exclu-  
sively in the production of gas, electricity, refrigeration or steam.

§ 3. Subdivision (b) of section 1108 of the tax law is amended by  
adding a new paragraph 6 to read as follows:

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

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(6) The exemptions provided for in paragraphs forty-six and forty-seven of subdivision (a) of section eleven hundred fifteen of this article and the exceptions provided for in subparagraphs (xii) and (xiii) of paragraph three of subdivision (c) of section eleven hundred five of this part shall not apply.

§ 4. Subdivision (a) of section 1109 of the tax law, as amended by section 1 of part BB of chapter 61 of the laws of 2005, is amended to read as follows:

(a) General. In addition to the taxes imposed by sections eleven hundred five and eleven hundred ten of this ~~[article]~~ part, there is hereby imposed within the territorial limits of the metropolitan commuter transportation district created and established pursuant to section twelve hundred sixty-two of the public authorities law, and there shall be paid, additional taxes, at the rate of three-eighths of one percent, which shall be identical to the taxes imposed by sections eleven hundred five and eleven hundred ten of this ~~[article]~~ part, except that with respect to the tax imposed by this section the exemptions provided for in paragraphs forty-six and forty-seven of subdivision (a) of section eleven hundred fifteen of this article and the exceptions provided for in subparagraphs (xii) and (xiii) of paragraph three of subdivision (c) of section eleven hundred five of this part shall not apply. Such sections eleven hundred five and eleven hundred ten and the other sections of this article, including the definition and the other exemption provisions, shall apply for purposes of the taxes imposed by this section in the same manner and with the same force and effect as if the language of those sections had been incorporated in full into this section and had expressly referred to the taxes imposed by this section.

§ 5. Subdivision (a) of section 1115 of the tax law is amended by adding two new paragraphs 46 and 47 to read as follows:

(46) Motor vehicles as defined in subdivision two of section five hundred one of this chapter whether purchased or leased and parts thereof and the services rendered with respect to the maintenance of such motor vehicles and parts.

(47) Railroad rolling stock whether purchased or leased by a railroad which is engaged in intrastate or interstate commerce, parts thereof, structural components relating to the right of way of the railroad, services rendered with respect to the maintenance of such vehicles, parts and structural components. The term "structural components" shall include but is not limited to rail, bridges, crossing arms and traffic signals.

§ 6. The opening paragraph of paragraph 1 of subdivision (a) of section 1210 of the tax law, as amended by section 2 of part WW of chapter 60 of the laws of 2016, is amended to read as follows:

Either, all of the taxes described in article twenty-eight of this chapter, at the same uniform rate, as to which taxes all provisions of the local laws, ordinances or resolutions imposing such taxes shall be identical, except as to rate and except as otherwise provided, with the corresponding provisions in such article twenty-eight, including the definition and exemption provisions of such article, except the exemptions provided for in paragraphs forty-six and forty-seven of subdivision (a) of section eleven hundred fifteen of this chapter and the exceptions provided for in subparagraphs (xii) and (xiii) of paragraph three of subdivision (c) of section eleven hundred five of this chapter shall not apply so far as the provisions of such article twenty-eight can be made applicable to the taxes imposed by such city or county and with such limitations and special provisions as are set forth

1 in this article. The taxes authorized under this subdivision may not be  
2 imposed by a city or county unless the local law, ordinance or resol-  
3 ution imposes such taxes so as to include all portions and all types of  
4 receipts, charges or rents, subject to state tax under sections eleven  
5 hundred five and eleven hundred ten of this chapter, except as otherwise  
6 provided.

7 § 7. This act shall take effect December 1, 2021; provided, however,  
8 that the exemptions and exceptions provided for in sections one through  
9 six of this act shall apply to retail sales or uses occurring on and  
10 after January 1, 2022.