STATE OF NEW YORK

5439

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

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

AN ACT to amend the tax law, in relation to establishing an active military service travel credit

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (qqq) to read as follows:

(qqq) Active military service travel credit. (1) Allowance and amount of credit. A qualified taxpayer shall be allowed a credit against the tax imposed by this article equal to their qualified airfare expenses when returning to the state.

(2) Limitation on amount of credit. The credit allowed pursuant to paragraph one of this subsection shall be subject to the following limits:

(i) one thousand dollars for armed service members stationed in the United States or United States territories, the Caribbean islands, Canada and Mexico, other than Hawaii, Alaska, Guam, American Samoa, Northern Mariana Islands, and all United States Minor Outlying Islands; and

(ii) two thousand five hundred dollars for armed service members stationed anywhere not included in subparagraph (i) of this paragraph.

(3) Application of credit. If the amount of the credit shall exceed the taxpayer's tax for such year the excess shall be carried over to the following year or years, and may be deducted from the taxpayer's tax for such year or years.

(4) Definitions. As used in this subsection, the following terms shall have the following meanings:

(A) "Qualified taxpayer" shall mean a taxpayer who:

(i) is an armed forces member in active military service of the United States; and

(ii) is domiciled in New York.

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

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(B) "Qualified airfare expenses" shall mean the cost of airfare for a qualified taxpayer during periods of authorized leave through the military which are not otherwise reimbursed by the military or another entity to fly to either an airport located in the state or an airport in a neighboring state if the qualified taxpayer demonstrates, in a manner as required by the commissioner, that such taxpayer returned to their domicile from such flight. "Qualified airfare expenses" shall not include (i) bag fees, ground transportation costs or other ancillary costs of air travel; (ii) travel paid for in whole or in part with frequent flyer miles or other reward program points; or (iii) airfare for any individual who is not the qualified taxpayer.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to taxable years commencing on and after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.