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

3012

2009-2010 Regular Sessions

I N S E N A T E

March 9, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the tax law, in relation to reducing the tax on petroleum businesses and the sales and compensating use taxes on the retail sales of motor fuel and diesel motor fuel

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

Section 1. Paragraph 1 of subdivision (e) of section 301-a of the tax law, as added by chapter 190 of the laws of 1990, is amended to read as follows:

(1) The basic motor fuel and diesel automotive-type motor fuel rate shall be [five and one-half] TWO AND THREE-FOURTHS cents per gallon.

S 2. Paragraph 1 of subdivision (a) of section 301-j of the tax law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

(1) In addition to the taxes imposed by sections three hundred one-a and three hundred one-e of this article, for taxable months commencing on or after July first, nineteen hundred ninety-one there is hereby imposed upon every petroleum business subject to tax imposed under section three hundred one-a of this article and every aviation fuel business subject to the aviation gasoline component of the tax imposed under section three hundred one-e of this article, a supplemental monthly tax for each or any part of a taxable month at a rate of [four and one-half] TWO AND ONE-QUARTER cents per gallon with respect to the products included in each component of the taxes imposed by such [sections] SECTION three hundred one-a and the aviation gasoline component of the tax imposed by such section three hundred one-e of this article. FOR PURPOSES OF THIS PARAGRAPH, FOR MOTOR FUEL AND DIESEL MOTOR FUEL THE RATE SHALL BE TWO AND ONE-QUARTER CENTS PER GALLON.

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

LBD09706-01-9

S 3. Paragraph 1 of subdivision (m) of section 1111 of the tax law, as amended by section 1 of part M1 of chapter 109 of the laws of 2006, is amended to read as follows:

(1) The sales tax imposed by subdivision (a) of section eleven hundred five of this article and the compensating use tax imposed by section eleven hundred ten of this article, in regard to retail sales of motor fuel and diesel motor fuel, shall be [eight] FOUR cents per gallon.

S 4. This act shall take effect immediately; provided, however, that section three of this act shall take effect on the first day of a sales tax quarterly period, as described in subdivision (b) section 1136 of the tax law, next commencing at least 45 days after this act shall have become a law.