

5519

2009-2010 Regular Sessions

I N S E N A T E

May 13, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the unincorporated business tax

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

1 Section 1. Paragraph 3 of subdivision (b) of section 11-503 of the  
2 administrative code of the city of New York, as amended by chapter 481  
3 of the laws of 1997, is amended to read as follows:

4 (3) For each taxable year beginning after nineteen hundred ninety-six  
5 BUT BEFORE TWO THOUSAND NINE:

6 (A) if the tax computed under subdivision (a) of this section is one  
7 thousand eight hundred dollars or less, a credit shall be allowed for  
8 the entire amount of such tax;

9 (B) if the tax computed under subdivision (a) of this section exceeds  
10 one thousand eight hundred dollars but is less than three thousand two  
11 hundred dollars, a credit shall be allowed in the amount determined by  
12 multiplying such tax by a fraction the numerator of which is three thou-  
13 sand two hundred dollars minus the amount of such tax and the denomina-  
14 tor of which is one thousand four hundred dollars; or

15 (C) if the tax computed under subdivision (a) of this section is three  
16 thousand two hundred dollars or more, no credit shall be allowed.

17 S 2. Subdivision (b) of section 11-503 of the administrative code of  
18 the city of New York is amended by adding a new paragraph 3-a to read as  
19 follows:

20 (3-A) FOR EACH TAXABLE YEAR BEGINNING AFTER TWO THOUSAND EIGHT:

21 (A) IF THE TAX COMPUTED UNDER SUBDIVISION (A) OF THIS SECTION IS THREE  
22 THOUSAND FOUR HUNDRED DOLLARS OR LESS, A CREDIT SHALL BE ALLOWED FOR THE  
23 ENTIRE AMOUNT OF SUCH TAX;

24 (B) IF THE TAX COMPUTED UNDER SUBDIVISION (A) OF THIS SECTION EXCEEDS  
25 THREE THOUSAND FOUR HUNDRED DOLLARS BUT IS LESS THAN FIVE THOUSAND FOUR

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

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1 HUNDRED DOLLARS, A CREDIT SHALL BE ALLOWED IN THE AMOUNT DETERMINED BY  
2 MULTIPLYING SUCH TAX BY A FRACTION THE NUMERATOR OF WHICH IS FIVE THOU-  
3 SAND FOUR HUNDRED DOLLARS MINUS THE AMOUNT OF SUCH TAX AND THE DENOMINA-  
4 TOR OF WHICH IS TWO THOUSAND DOLLARS; OR

5 (C) IF THE TAX COMPUTED UNDER SUBDIVISION (A) OF THIS SECTION IS FIVE  
6 THOUSAND FOUR HUNDRED DOLLARS OR MORE, NO CREDIT SHALL BE ALLOWED.

7 S 3. Subdivision (a) of section 11-511 of the administrative code of  
8 the city of New York, as amended by chapter 481 of the laws of 1997, is  
9 amended to read as follows:

10 (a) Requirement of declaration. Except as provided in subdivision (j)  
11 of this section, every unincorporated business shall make a declaration  
12 of its estimated tax for the taxable year, containing such information  
13 as the commissioner of finance may prescribe by regulations or instruc-  
14 tion, if:

15 (1) for taxable years beginning after nineteen hundred eighty-six but  
16 before nineteen hundred ninety-six, its unincorporated business taxable  
17 income can reasonably be expected to exceed fifteen thousand dollars;

18 (2) for taxable years beginning in nineteen hundred ninety-six, its  
19 unincorporated business taxable income can reasonably be expected to  
20 exceed twenty thousand dollars; [and]

21 (3) for taxable years beginning after nineteen hundred ninety-six BUT  
22 BEFORE TWO THOUSAND NINE, its estimated tax can reasonably be expected  
23 to exceed one thousand eight hundred dollars; AND

24 (4) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND EIGHT, ITS ESTI-  
25 MATED TAX CAN REASONABLY BE EXPECTED TO EXCEED THREE THOUSAND FOUR  
26 HUNDRED DOLLARS.

27 S 4. Subdivision (a) of section 11-514 of the administrative code of  
28 the city of New York, as amended by chapter 481 of the laws of 1997, is  
29 amended to read as follows:

30 (a) General. On or before the fifteenth day of the fourth month  
31 following the close of a taxable year, an unincorporated business income  
32 tax return shall be made and filed, and the balance of any tax shown on  
33 the face of such return, not previously paid as installments of esti-  
34 mated tax, shall be paid:

35 (1) by or for every unincorporated business, for taxable years begin-  
36 ning after nineteen hundred eighty-six but before nineteen hundred nine-  
37 ty-seven, having unincorporated business gross income, determined for  
38 purposes of this subdivision without any deduction for the cost of goods  
39 sold or services performed, of more than ten thousand dollars, or having  
40 any amount of unincorporated business taxable income;

41 (2) by or for every partnership, for taxable years beginning after  
42 nineteen hundred ninety-six BUT BEFORE TWO THOUSAND NINE, having unin-  
43 corporated business gross income, determined for purposes of this subdivi-  
44 sion without any deduction for the cost of goods sold or services  
45 performed, of more than twenty-five thousand dollars, or having unincor-  
46 porated business taxable income of more than fifteen thousand dollars;  
47 [and]

48 (3) by or for every unincorporated business other than a partnership,  
49 for taxable years beginning after nineteen hundred ninety-six BUT BEFORE  
50 TWO THOUSAND NINE, having unincorporated business gross income, deter-  
51 mined for purposes of this subdivision without any deduction for the  
52 cost of goods sold or services performed, of more than seventy-five  
53 thousand dollars, or having unincorporated business taxable income of  
54 more than thirty-five thousand dollars; AND

55 (4) BY OR FOR EVERY UNINCORPORATED BUSINESS, FOR TAXABLE YEARS BEGIN-  
56 NING AFTER TWO THOUSAND EIGHT, HAVING UNINCORPORATED BUSINESS GROSS

1 INCOME, DETERMINED FOR PURPOSES OF THIS SUBDIVISION WITHOUT ANY  
2 DEDUCTION FOR THE COST OF GOODS SOLD OR SERVICES PERFORMED, OF MORE THAN  
3 NINETY-FIVE THOUSAND DOLLARS.  
4 S 5. This act shall take effect immediately; provided, however that  
5 sections one and two of this act shall be deemed to have been in full  
6 force and effect on and after January 1, 2009.