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I N   S E N A T E

March 23, 2010

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Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law and the state finance law, in relation to providing for the deposit into the dedicated highway and bridge trust fund of a portion of the sales tax revenue from the sale of motor fuel

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

1     Section 1. Section 1148 of the tax law, as amended by chapter 3 of the  
2 laws of 2004, is amended to read as follows:  
3     S 1148. Deposit and disposition of revenue. [All] (A) EXCEPT AS OTHER-  
4 WISE PROVIDED IN SUBDIVISION (B) OF THIS SECTION, ALL taxes, interest  
5 and penalties collected or received by the commissioner under this arti-  
6 cle shall be deposited and disposed of pursuant to the provisions of  
7 section one hundred seventy-one-a of this chapter; provided however, the  
8 comptroller shall on or before the twelfth day of each month, pay all  
9 such taxes, interest and penalties collected under this article and  
10 remaining to the comptroller's credit in such banks, banking houses or  
11 trust companies at the close of business on the last day of the preced-  
12 ing month, into the general fund of the state treasury, except as other-  
13 wise provided in sections ninety-two-d and ninety-two-r of the state  
14 finance law and sections eleven hundred two, eleven hundred four and  
15 eleven hundred nine of this article.  
16     (B) ONE CENT OF THE TAXES COLLECTED OR RECEIVED BY THE COMMISSIONER  
17 UNDER THIS ARTICLE FOR THE RETAIL SALE OF EACH GALLON OF MOTOR FUEL  
18 SHALL BE DEPOSITED IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND,  
19 ESTABLISHED BY SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.  
20     S 2. Subdivision (b) of section 1148 of the tax law, as added by  
21 section one of this act, is amended to read as follows:  
22     (b) [One cent] TWO CENTS of the taxes collected or received by the  
23 commissioner under this article for the retail sale of each gallon of  
24 motor fuel shall be deposited in the dedicated highway and bridge trust  
25 fund, established by section eighty-nine-b of the state finance law.

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

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1 S 3. Subdivision (b) of section 1148 of the tax law, as amended by  
2 section two of this act, is amended to read as follows:

3 (b) [Two] THREE cents of the taxes collected or received by the  
4 commissioner under this article for the retail sale of each gallon of  
5 motor fuel shall be deposited in the dedicated highway and bridge trust  
6 fund, established by section eighty-nine-b of the state finance law.

7 S 4. Subdivision (b) of section 1148 of the tax law, as amended by  
8 section three of this act, is amended to read as follows:

9 (b) [Three] FOUR cents of the taxes collected or received by the  
10 commissioner under this article for the retail sale of each gallon of  
11 motor fuel shall be deposited in the dedicated highway and bridge trust  
12 fund, established by section eighty-nine-b of the state finance law.

13 S 5. Subdivision (b) of section 1148 of the tax law, as amended by  
14 section four of this act, is amended to read as follows:

15 (b) [Four] FIVE cents of the taxes collected or received by the  
16 commissioner under this article for the retail sale of each gallon of  
17 motor fuel shall be deposited in the dedicated highway and bridge trust  
18 fund, established by section eighty-nine-b of the state finance law.

19 S 6. Subdivision 4 of section 89-b of the state finance law, as added  
20 by chapter 56 of the laws of 1993, is amended to read as follows:

21 4. The highway and bridge capital account shall consist (I) of all  
22 moneys transferred from the special obligation reserve and payment  
23 account, (II) OF ALL MONEYS REQUIRED TO BE DEPOSITED IN THE DEDICATED  
24 HIGHWAY AND BRIDGE TRUST FUND PURSUANT TO SUBDIVISION (B) OF SECTION  
25 ELEVEN HUNDRED FORTY-EIGHT OF THE TAX LAW, and (III) OF any other moneys  
26 credited or transferred thereto from any other fund, account or source.

27 S 7. This act shall take effect April 1, 2011, provided, that:

28 (a) section two of this act shall take effect April 1, 2012;

29 (b) section three of this act shall take effect April 1, 2013;

30 (c) section four of this act shall take effect April 1, 2014; and

31 (d) section five of this act shall take effect April 1, 2015.