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

5100

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the tax law, in relation to requiring the commissioner of taxation and finance to provide for the timely payment of tax refunds to taxpayers

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

Section 1. Section 171 of the tax law is amended by adding a new subdivision twenty-ninth to read as follows:

TWENTY-NINTH. A. PROVIDE FOR THE PAYMENT BY THE DEPARTMENT OF EVERY REFUND DUE A TAXPAYER PURSUANT TO THIS CHAPTER WITHIN THIRTY DAYS OF THE RECEIPT BY THE DEPARTMENT OF THE TAX RETURN CLAIMING SUCH REFUND; PROVIDED THAT, IF THE DEPARTMENT IS UNABLE TO PAY A TAX REFUND BECAUSE OF A DISCREPANCY IN THE TAXPAYER'S TAX RETURN, THE DEPARTMENT SHALL, WITHIN SUCH THIRTY DAY PERIOD, PROVIDE WRITTEN NOTICE TO THE TAXPAYER OF THE SPECIFIC DISCREPANCY AND A DATE WHEN SUCH DISCREPANCY CAN BE EXPECTED TO BE RESOLVED.

B. UPON THE FAILURE TO PROVIDE A REFUND OR WRITTEN NOTICE TO A TAXPAYER PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, THE DEPARTMENT SHALL PAY THE TAXPAYER INTEREST ON THE REFUND OWED AT A RATE OF SIX PERCENT PER ANNUM.

S 2. This act shall take effect immediately.

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

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