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

7827

2009-2010 Regular Sessions

I N A S S E M B L Y

April 24, 2009

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

AN ACT to amend the tax law, in relation to providing an exemption and reimbursement from the petroleum business tax for party or charter boat companies

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

Section 1. Section 301-c of the tax law is amended by adding a new subdivision (p) to read as follows:

(P) DIESEL MOTOR FUEL AND MOTOR FUEL USED IN THE OPERATION OF PARTY OR CHARTER BOATS. DIESEL MOTOR FUEL OR MOTOR FUEL PURCHASED IN THIS STATE BY A PARTY OR CHARTER BOAT COMPANY AT RETAIL WHEREIN (1) SUCH DIESEL MOTOR FUEL OR SUCH MOTOR FUEL IS DELIVERED BY A PUMP EQUIPPED WITH A HOSE DIRECTLY INTO THE FUEL TANK OF A PARTY OR CHARTER BOAT TO BE USED AS FUEL IN THE OPERATION OF SUCH BOAT; AND (2) SUCH VESSEL IS OPERATED BY A PARTY OR CHARTER BOAT PILOT; BUT ONLY WHERE (I) THE TAX IMPOSED PURSUANT TO THIS ARTICLE HAS BEEN PAID WITH RESPECT TO SUCH DIESEL MOTOR FUEL OR SUCH MOTOR FUEL AND THE ENTIRE AMOUNT OF SUCH TAX HAS BEEN ABSORBED BY SUCH PURCHASER AND, (II) SUCH PURCHASER POSSESSES DOCUMENTARY PROOF SATISFACTORY TO THE COMMISSIONER EVIDENCING THE ABSORPTION BY IT OF THE ENTIRE AMOUNT OF THE TAX IMPOSED PURSUANT TO THIS ARTICLE. PROVIDED, HOWEVER, THAT THE COMMISSIONER SHALL REQUIRE SUCH DOCUMENTARY PROOF TO QUALIFY FOR ANY REIMBURSEMENT OF TAX PROVIDED BY THIS SECTION AS THE COMMISSIONER DEEMS APPROPRIATE.

S 2. This act shall take effect immediately.

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

LBD09500-01-9