

8595

2009-2010 Regular Sessions

I N   A S S E M B L Y

May 29, 2009

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

AN ACT to amend the tax law, in relation to excluding enrolled agents  
from the definition of tax return preparer

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

1     Section 1. Paragraph 14 of subdivision (a) of section 32 of the tax  
2 law, as added by section 2 of part VV of chapter 59 of the laws of 2009,  
3 is amended to read as follows:  
4     (14) "Tax return preparer" means an individual who prepares a substan-  
5 tial portion of any return for compensation. [Enrolled agents or employ-  
6 ees] EMPLOYEES of a tax return preparer or a commercial tax return prep-  
7 aration business who prepare returns for clients of that preparer or  
8 preparation business, as applicable, and partners who prepare returns  
9 for clients of a partnership engaged in a commercial tax return prepara-  
10 tion business, are all "tax return preparers" for purposes of this  
11 section. Excluded from the definition of "tax return preparer" are  
12 attorneys, public accountants, and certified public accountants, who are  
13 registered with or licensed by the state, and employees preparing  
14 returns under the supervision of such attorneys, public accountants, and  
15 certified public accountants. Also excluded are volunteer tax prepar-  
16 ers, employees of a business or partners in a partnership whose job  
17 responsibilities include preparation of only the business' or partner-  
18 ship's returns, [and] employees of a tax return preparer or a commercial  
19 tax return preparation business who provides only clerical or other  
20 comparable services, AND ENROLLED AGENTS.  
21     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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