

9439

I N A S S E M B L Y

(PREFILED)

January 6, 2010

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

AN ACT to amend the tax law, in relation to providing an additional
franchise tax on certain life insurance policies

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

1 Section 1. The tax law is amended by adding a new section 182-b to
2 read as follows:
3 S 182-B. ADDITIONAL FRANCHISE TAX ON CERTAIN LIFE INSURANCE POLICIES.
4 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, OR OF ANY OTHER
5 LAW, FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND
6 TEN, AN ANNUAL TAX IS HEREBY IMPOSED UPON EVERY COMPANY RECEIVING BENE-
7 FITS FROM LIFE INSURANCE POLICIES IT HAS OBTAINED ON ITS EMPLOYEES
8 AND/OR RETIREES EQUAL TO FIFTY PER CENTUM OF ITS GROSS RECEIPTS FROM ALL
9 PROCEEDS FROM SUCH LIFE INSURANCE POLICIES, FOR THE PRIVILEGE OF EXER-
10 CISING ITS CORPORATE FRANCHISE, OR OF DOING BUSINESS, OR OF EMPLOYING
11 CAPITAL, OR OF OWNING OR LEASING PROPERTY IN THIS STATE IN A CORPORATE
12 OR ORGANIZED CAPACITY, OR OF MAINTAINING AN OFFICE IN THIS STATE, FOR
13 ALL OR ANY PART OF EACH OF ITS TAXABLE YEARS.
14 2. EVERY COMPANY SUBJECT TO TAX UNDER THIS SECTION SHALL KEEP SUCH
15 RECORDS OF ITS BUSINESS IN SUCH FORM AS THE COMMISSIONER MAY REQUIRE,
16 AND SUCH RECORDS SHALL BE PRESERVED FOR A PERIOD OF THREE YEARS, EXCEPT
17 THAT THE COMMISSIONER MAY CONSENT TO THEIR DESTRUCTION WITHIN THAT PERI-
18 OD OR MAY REQUIRE THAT THEY BE KEPT LONGER.
19 S 2. This act shall take effect immediately and shall apply to taxable
20 years beginning or after January 1, 2010.

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

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