

4551

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. STACHOWSKI -- 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, in relation to providing an exemption from
sales and compensating use taxes for certain aircraft purchased in the
state; and to amend chapter 60 of the laws of 2004, amending the tax
law relating to exempting parts used exclusively to maintain, repair,
overhaul or rebuild aircraft or services associated therewith from the
sales and compensating use tax, in relation to eliminating the expira-
tion of the provisions thereof

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

1 Section 1. This act shall be known and may be cited as the "New York
2 aviation jobs act".
3 S 2. Paragraph 1 of subdivision (dd) of section 1115 of the tax law,
4 as added by section 1 of part L of chapter 60 of the laws of 2004, is
5 amended to read as follows:
6 (1) Services otherwise taxable under paragraph three of subdivision
7 (c) of section eleven hundred five or under section eleven hundred ten
8 of this article, SALES OF GENERAL AVIATION AIRCRAFT, and tangible
9 personal property purchased and used by the person who sells such
10 services in performing such services, where such property becomes a
11 physical component part of the property upon which the services are
12 performed or where such property is a lubricant applied to aircraft,
13 shall be exempt from tax under this article where such services are
14 performed on aircraft.
15 S 3. Section 2 of part L of chapter 60 of the laws of 2004, amending
16 the tax law relating to exempting parts used exclusively to maintain,
17 repair, overhaul or rebuild aircraft or services associated therewith
18 from the sales and compensating use tax, is amended to read as follows:

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

LBD05313-02-9

1 S 2. This act shall take effect December 1, 2004, and shall apply to
2 sales made, services rendered and uses occurring on or after that date
3 in accordance with the applicable transitional provisions of sections
4 1106 and 1217 of the tax law[, and shall expire and be deemed repealed
5 December 1, 2009]; the commissioner of taxation and finance shall be
6 immediately authorized to adopt and amend any rules or regulations and
7 issue any procedure, forms or instructions necessary to implement this
8 act on its effective date; furthermore, the commissioner of taxation and
9 finance, in conjunction with the commissioner of transportation, shall
10 review and analyze all statistical data available for such purposes of
11 determining the economic and revenue impact of the sales and use tax
12 exemptions provided in this act; such report shall include, but not be
13 limited to, any increases in aviation related employment, airplane main-
14 tenance, and increases in hangaring in New York state; such report shall
15 be transmitted, ON OR BEFORE DECEMBER 1, 2010, to the governor, TEMPO-
16 RARY PRESIDENT OF THE senate [majority leader] and speaker of the assem-
17 bly.

18 S 4. This act shall take effect immediately, except that section one
19 of this act shall take effect on the first of December next succeeding
20 the date on which it shall have become a law, and shall apply to sales
21 made, services rendered and uses occurring on or after such date in
22 accordance with the applicable transitional provisions of sections 1106
23 and 1217 of the tax law. The commissioner of taxation and finance shall
24 be immediately authorized to adopt and amend any rules or regulations
25 and issue any procedure, forms or instructions necessary to implement
26 section one of this act on its effective date.