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

4637

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SCHNEIDERMAN -- 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 the bunker fuel tax exemption for vessels and repealing certain provisions of the tax law relating thereto

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

Section 1. Paragraph 4 of subdivision (a) of section 301-b of the tax law is REPEALED.

S 2. Subdivision (e) of section 301-b of the tax law, as added by chapter 190 of the laws of 1990, is amended to read as follows:

(e) Sales of diesel motor fuel [and residual petroleum product] to registered distributors of diesel motor fuel [and registered residual petroleum product businesses].

[(1)] Diesel motor fuel, which is not enhanced diesel motor fuel, sold by a person registered under article twelve-A of this chapter as a distributor of diesel motor fuel to a person registered under such article twelve-A as a distributor of diesel motor fuel where such sale is not a retail sale or a sale that involves a delivery at a filling station or into a repository equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle.

[(2) Residual petroleum product sold by a person registered under this article as a residual petroleum product business to a person registered under this article as a residual petroleum product business where such sale is not a retail sale. Provided, however, that the commissioner of taxation and finance may require such documentary proof to qualify for any exemption provided in this section as the commissioner deems appropriate, including the expansion of any certifications required pursuant to section two hundred eighty-five-a or two hundred eighty-five-b of this chapter to cover the taxes imposed by this article.]

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

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S 3. This act shall take effect immediately.

REPEAL NOTE.--Paragraph 4 of subdivision (a) of section 301-b of the tax law, repealed by section one of this act, relates to the tax exemption for residual petroleum products sold by a business registered as a residual petroleum business to a consumer for exclusive use as a bunker fuel for vessels, or for use by the residual petroleum business as bunker fuel for its own vessels.