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

1326

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, HOOPER -- Multi-Sponsored by -- M. of A. BOYLAND, MAGEE, SCHIMMINGER, WEISENBERG -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to creating a personal income tax credit for fuel used for non-business purposes

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

Section 1. Section 606 of the tax law is amended by adding a new subsection (u) to read as follows:

(U) PERSONAL VEHICLE FUEL CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR QUALIFIED FUEL EXPENSES IN AN AMOUNT AS DETERMINED IN ACCORDANCE WITH PARAGRAPH TWO OF THIS SUBSECTION.

(2) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO THE TOTAL COST OF THE QUALIFIED FUEL EXPENSES ACTUALLY INCURRED BY THE TAXPAYER FOR THE TAXABLE YEAR SUBJECT TO THE FOLLOWING RESTRICTIONS.

(I) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN TWENTY-FIVE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE HUNDRED DOLLARS.

(II) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN TWENTY-THREE THOUSAND DOLLARS BUT LESS THAN TWENTY-FIVE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE HUNDRED THIRTY DOLLARS.

(III) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN TWENTY-ONE THOUSAND DOLLARS BUT LESS THAN TWENTY-THREE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE HUNDRED SIXTY DOLLARS.

(IV) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN NINETEEN THOUSAND DOLLARS BUT LESS THAN TWENTY-ONE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE HUNDRED NINETY DOLLARS.

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

LBD04095-01-1

(V) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN SEVENTEEN THOUSAND DOLLARS BUT LESS THAN NINETEEN THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN TWO HUNDRED TWENTY DOLLARS.

(VI) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN FIFTEEN THOUSAND DOLLARS BUT LESS THAN SEVENTEEN THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN TWO HUNDRED FIFTY DOLLARS.

(VII) IF A TAXPAYER HAS A GROSS INCOME LESS THAN FIFTEEN THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN THREE HUNDRED DOLLARS.

(VIII) FOR THE PURPOSES OF MARRIED INDIVIDUALS FILING JOINT RETURNS, EACH INDIVIDUAL IS ENTITLED TO RECEIVE THE CREDIT PROPORTIONATE TO THEIR GROSS INCOME PROVIDED THAT IT WAS THE INDIVIDUAL THAT ACTUALLY INCURRED THE QUALIFIED FUEL EXPENSE.

(3) APPLICATION. (I) THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN ZERO. ANY UNUSED PORTION OF THE CREDIT SHALL NOT BE REIMBURSED AS AN OVERPAYMENT OF TAXES.

(II) THE CREDIT ALLOWED UNDER THIS SUBSECTION SHALL BE TAKEN AFTER ALL OTHER APPLICABLE CREDITS HAVE FIRST BEEN TAKEN.

(III) ANY UNUSED PORTION OF THE CREDIT SHALL NOT BE CARRIED OVER TO SUBSEQUENT TAXABLE YEARS.

(4) DEFINITIONS. QUALIFIED FUEL EXPENSE MEANS AMOUNTS PAID BY THE TAXPAYER FOR A TAXABLE FUEL FOR A PERSONAL, NON-BUSINESS USE IN A VEHICLE ON A PUBLIC HIGHWAY.

S 2. This act shall take effect immediately and shall apply to taxable years commencing on or after such date.