

1326

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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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:

1     Section 1. Section 606 of the tax law is amended by adding a new  
2     subsection (u) to read as follows:  
3     (U) PERSONAL VEHICLE FUEL CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER  
4     IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR QUALI-  
5     FIED FUEL EXPENSES IN AN AMOUNT AS DETERMINED IN ACCORDANCE WITH PARA-  
6     GRAPH TWO OF THIS SUBSECTION.  
7     (2) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO THE  
8     TOTAL COST OF THE QUALIFIED FUEL EXPENSES ACTUALLY INCURRED BY THE  
9     TAXPAYER FOR THE TAXABLE YEAR SUBJECT TO THE FOLLOWING RESTRICTIONS.  
10    (I) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN TWENTY-FIVE  
11    THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE  
12    HUNDRED DOLLARS.  
13    (II) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN  
14    TWENTY-THREE THOUSAND DOLLARS BUT LESS THAN TWENTY-FIVE THOUSAND  
15    DOLLARS, THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE HUNDRED  
16    THIRTY DOLLARS.  
17    (III) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN  
18    TWENTY-ONE THOUSAND DOLLARS BUT LESS THAN TWENTY-THREE THOUSAND DOLLARS,  
19    THE AMOUNT OF THE CREDIT SHALL BE NO MORE THAN ONE HUNDRED SIXTY  
20    DOLLARS.  
21    (IV) IF A TAXPAYER HAS A GROSS INCOME EQUAL TO OR MORE THAN NINETEEN  
22    THOUSAND DOLLARS BUT LESS THAN TWENTY-ONE THOUSAND DOLLARS, THE AMOUNT  
23    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.

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

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

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

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

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

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

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

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

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