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

5759

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 2011

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

AN ACT to amend the tax law, in relation to the imposition of sales tax on used motor vehicles

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

Section 1. Paragraph 1 of subdivision (g) of section 1132 of the tax law, as amended by chapter 402 of the laws of 1986, is amended to read as follows:

(1) The clerk of each county when performing the function of registration of a motor vehicle, snowmobile, vessel or all terrain vehicle or accepting an application for a certificate of title of a motor vehicle or vessel, pursuant to the authority of the vehicle and traffic law, or the commissioner of motor vehicles, when such commissioner performs such functions, prior to performing such functions, shall act as the agent of the state tax commission to collect any retail sales tax due under this article and under a sales tax imposed pursuant to section twelve hundred ten or twelve hundred eleven upon sales of such motor vehicles, snowmobiles, vessels or all terrain vehicles by persons other than dealers registered under sections four hundred fifteen, twenty-two hundred twenty-two, twenty-two hundred fifty-seven and twenty-two hundred eighty-two of the vehicle and traffic law. Such county clerks and such commissioner shall also act as such agents to collect any compensating use tax due under section eleven hundred ten and under a compensating use tax imposed pursuant to section twelve hundred ten or twelve hundred eleven for the use of a motor vehicle, snowmobile, vessel or all terrain vehicle within this state. The commissioner of motor vehicles shall act as such agent without fee. Each such county clerk shall, after deducting his fee as provided in paragraph two of this subdivision, and such commissioner shall remit to the tax commission all funds collected pursuant to this subdivision and shall follow such procedures and keep

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

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such records as shall be prescribed by the tax commission. A PERSON APPLYING FOR A CERTIFICATE OF TITLE AND/OR REGISTRATION FOR A MOTOR VEHICLE, SNOWMOBILE, VESSEL OR ALL TERRAIN VEHICLE WHICH WAS NOT SOLD BY A DEALER, AND WHICH WAS PURCHASED FOR BELOW MARKET VALUE, MAY PRESENT A STATEMENT SUPPORTING SUCH REDUCED VALUE. SUCH STATEMENT SHALL BE IN A FORM AND MANNER SUFFICIENT TO THE CLERK AND THE DEPARTMENT OF TAXATION AND FINANCE. UPON ACCEPTANCE OF SUCH STATEMENT, SALES TAX SHALL BE COLLECTED ON THE STATED PURCHASE PRICE AND NOT THE DETERMINED MARKET VALUE OF THE VEHICLE.

S 2. This act shall take effect immediately and shall apply to the quarterly tax periods which begin on and after such date.