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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, DeFRANCISCO, LARKIN, RANZENHOFER, SALAND, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend section 1 of part LL-1 of chapter 57 of the laws of 2008, relating to directing the commissioner of taxation and finance to institute a re-registration program, in relation to prohibiting the New York state department of taxation and finance from charging a vendor re-registration fee; to authorize the refund of all re-registration fees collected by the New York state department of taxation and finance; and to amend the tax law, in relation to prohibiting the New York state department of taxation and finance from charging vendors any fees to collect NYS sales tax

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

1 Section 1. Section 1 of part LL-1 of chapter 57 of the laws of 2008,
2 relating to directing the commissioner of taxation and finance to insti-
3 tute a re-registration program, is amended to read as follows:
4 Section 1. The commissioner of taxation and finance is directed to
5 institute a re-registration program pursuant to section 1134 of the tax
6 law, which program should be completed by March 31, 2012. [Notwith-
7 standing any law to the contrary, every certificate of registration
8 filed pursuant to this re-registration program by a person required to
9 file sales and compensating use tax returns for the monthly or quarterly
10 periods described in section 1136 of the tax law must be accompanied by
11 a 50 dollar application fee to constitute a complete application. This
12 fee must be paid and disposed of in the same manner as the taxes imposed
13 by section 1105 of the tax law and may be determined, assessed,
14 collected and enforced in the same manner as the tax imposed by article
15 28 of the tax law. Notwithstanding section 1148 of the tax law, or any
16 other law to the contrary, such commissioner must retain from the appli-

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

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1 cation fees collected or received an amount that such commissioner
2 determines is necessary to cover reasonable costs of such commissioner
3 in implementing, administering and enforcing registrations pursuant to
4 this section, but no more than the amount of those fees. The provisions
5 of subdivisions (a) and (c) of section 1139 of the tax law apply, except
6 that no interest is allowed or paid on any refund.] A person may be
7 subject to the re-registration program directed by this section even if
8 such person holds a certificate of authority that has not been in effect
9 for a period of at least three years.

10 S 2. Notwithstanding any law, rule or regulation to the contrary, all
11 50 dollar application fees collected by the department of taxation and
12 finance pursuant to the re-registration program instituted by the
13 commissioner of taxation and finance as authorized by section 1 of part
14 LL-1 of chapter 57 of the laws of 2008 shall be refunded to the persons
15 who paid such fees.

16 S 3. Paragraph 5 of subdivision (a) of section 1134 of the tax law, as
17 amended by chapter 2 of the laws of 1995, is amended to read as follows:

18 (5) If the commissioner considers it necessary for the proper adminis-
19 tration of the sales and use taxes and prepaid taxes imposed by this
20 article and pursuant to the authority of article twenty-nine of this
21 chapter, it may require every person under this section or section
22 twelve hundred fifty-three of this chapter who holds a certificate of
23 authority to file a new certificate of registration, WITHOUT CHARGE, AND
24 in such form and at such time as the commissioner may prescribe and to
25 surrender such certificate of authority. The commissioner may require
26 such filing and such surrender not more often than once every three
27 years. Upon the filing of such certificate of registration and the
28 surrender of such certificate of authority, the commissioner shall
29 issue, within such time as the commissioner may prescribe, a new certif-
30 icate of authority, without charge, to each registrant and a duplicate
31 thereof for each additional place of business of such registrant.

32 S 4. This act shall take effect immediately; provided that the
33 provisions of section two of this act shall apply to all certificates of
34 registration required to be filed under section 1134 of the tax law
35 pursuant to the re-registration program instituted by the commissioner
36 of taxation and finance as authorized by section 1 of part LL-1 of chap-
37 ter 57 of the laws of 2008 and filed on or after November 1, 2008.