STATE OF NEW YORK

2109

2011-2012 Regular Sessions

IN SENATE

January 18, 2011

Introduced by Sen. KRUGER -- 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 providing for refund of or credit against petroleum business taxes, for sales on accounts included in gross receipts and ascertained to be uncollectible

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

Section 1. The tax law is amended by adding a new section 304 to read as follows:

S 304. UNCOLLECTIBLE ACCOUNTS REFUND OR CREDIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THERE SHALL BE A REFUND OF, OR CREDIT AGAINST, ANY TAX AND TAX SURCHARGE IMPOSED BY THIS ARTICLE ON A PETROLEUM BUSINESS, FOR TAXES PAID FOR GALLONAGE INCLUDED IN GROSS RECEIPTS FROM SALES ON ACCOUNT AND OTHERWISE INCLUDABLE IN THE MEASURE OF ANY SUCH TAX OR TAX SURCHARGE, FOR ACCOUNTS WHICH ARE ASCERTAINED TO BE UNCOLLECTIBLE (IN WHOLE OR IN PART); PROVIDED, HOWEVER, THAT THE REFUND OR CREDIT SHALL ONLY BE AVAILABLE IF THE TAXES PAID BY THE PETROLEUM BUSINESS ARE SEPARATELY ITEMIZED ON THE INVOICE AND ONLY TO THE EXTENT THAT THE TAXES IMPOSED AND REMITTED TO THE DEPARTMENT REMAIN UNPAID. THE TERM "UNCOLLECTIBLE" MEANS WORTHLESS, AS USED FOR FEDERAL INCOME TAX PURPOSES.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law and shall be applicable to any tax and tax surcharge due under article 13-A of the tax law after its effective date and attributable to gallonage sold or received or sales made after such effective date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

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