

2631

2011-2012 Regular Sessions

I N S E N A T E

January 27, 2011

Introduced by Sen. MARCELLINO -- 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 requiring the commissioner
of taxation and finance to provide for the timely payment of tax
refunds to taxpayers

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

1 Section 1. Section 171 of the tax law is amended by adding a new
2 subdivision twenty-ninth to read as follows:
3 TWENTY-NINTH. A. PROVIDE FOR THE PAYMENT BY THE DEPARTMENT OF EVERY
4 REFUND DUE A TAXPAYER PURSUANT TO THIS CHAPTER WITHIN THIRTY DAYS OF THE
5 RECEIPT BY THE DEPARTMENT OF THE TAX RETURN CLAIMING SUCH REFUND;
6 PROVIDED THAT, IF THE DEPARTMENT IS UNABLE TO PAY A TAX REFUND BECAUSE
7 OF A DISCREPANCY IN THE TAXPAYER'S TAX RETURN, THE DEPARTMENT SHALL,
8 WITHIN SUCH THIRTY DAY PERIOD, PROVIDE WRITTEN NOTICE TO THE TAXPAYER OF
9 THE SPECIFIC DISCREPANCY AND A DATE WHEN SUCH DISCREPANCY CAN BE
10 EXPECTED TO BE RESOLVED.
11 B. UPON THE FAILURE TO PROVIDE A REFUND OR WRITTEN NOTICE TO A TAXPAY-
12 ER PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, THE DEPARTMENT SHALL PAY
13 THE TAXPAYER INTEREST ON THE REFUND OWED AT A RATE OF SIX PERCENT PER
14 ANNUM.
15 S 2. This act shall take effect immediately.

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

LBD07680-01-1