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

3677--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. LUPARDO, SCHIMMINGER, BOYLAND, MAGNARELLI, LIFTON, MORELLE, COOK, SCARBOROUGH, TITONE, WEISENBERG, CAHILL, LAVINE, MILLER, WEPRIN, TITUS, BRINDISI, ENGLEBRIGHT, GUNTHER, BARRETT -- Multi-Sponsored by -- M. of A. ARROYO, CERETTO, CRESPO, CROUCH, DIPIETRO, DUPREY, FINCH, FITZPATRICK, GLICK, GRAF, HAWLEY, HEASTIE, HOOPER, P. LOPEZ, LUPINACCI, MAGEE, MARKEY, McLAUGHLIN, MONTESANO, OAKS, PALMESANO, PAULIN, PERRY, PRETLOW, RAIA, SALADINO, SCHIMEL, SWEENEY, WRIGHT -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to exempting from sales and compensating use taxes the purchase of general aviation aircraft; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Short title. This act shall be known and may be cited as the "New York aviation jobs act".

S 2. Paragraph 1 of subdivision (dd) of section 1115 of the tax law, as added by section 1 of part L of chapter 60 of the laws of 2004, is amended to read as follows:

(1) Services otherwise taxable under paragraph three of subdivision (c) of section eleven hundred five or under section eleven hundred ten of this article, SALES OF GENERAL AVIATION AIRCRAFT, and tangible personal property purchased and used by the person who sells such services in performing such services, where such property becomes a physical component part of the property upon which the services are performed or where such property is a lubricant applied to aircraft,

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

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shall be exempt from tax under this article where such services are performed on aircraft.

S 3. The commissioner of taxation and finance, in conjunction with the commissioner of transportation, shall review and analyze all statistical data available for the purpose of determining the economic and revenue impact of the sales and compensating use tax exemption for the sale of general aviation aircraft enacted by section two of this act. Such review and analysis shall include, but not be limited to, any increases in aviation-related employment, aircraft basing, aircraft maintenance and aircraft hangering within the state. The commissioner shall compile his or her findings into a report, which shall be submitted, on or before November 1, 2019, to the governor, the temporary president of the senate and the speaker of the assembly.

S 4. This act shall take effect April 1, 2015, and shall apply to sales of general aviation aircraft made and uses occurring on or after such effective date in accordance with the applicable transitional provisions of sections 1106 and 1107 of the tax law, but shall not apply to sales occurring after March 31, 2020, and section two of this act shall expire and be deemed repealed April 1, 2020. Provided, however, that aircraft subject to exemption pursuant to paragraph 1 of subdivision (dd) of section 1115 of the tax law, as amended by section two of this act, shall remain so exempt after the expiration and repeal of section two of this act, including instances where the aircraft is subsequently sold or the ownership is transferred or assigned, for the useful life of the aircraft. Provided, further, that the commissioner of taxation and finance shall be immediately authorized to adopt and amend any rules or regulations and to issue any procedure, forms or instructions necessary to implement section two of this act on its effective date.