

3047

2013-2014 Regular Sessions

I N   S E N A T E

January 29, 2013

---

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 ARTICLE TWENTY-TWO OF THIS CHAPTER  
5     WITHIN THIRTY DAYS OF THE RECEIPT BY THE DEPARTMENT OF THE TAX RETURN  
6     CLAIMING SUCH REFUND; PROVIDED THAT, IF THE DEPARTMENT IS UNABLE TO PAY  
7     A TAX REFUND BECAUSE OF A DISCREPANCY IN THE TAXPAYER'S TAX RETURN, THE  
8     DEPARTMENT SHALL, WITHIN SUCH THIRTY DAY PERIOD, PROVIDE WRITTEN NOTICE  
9     TO THE TAXPAYER OF THE SPECIFIC DISCREPANCY AND A DATE WHEN SUCH  
10    DISCREPANCY CAN BE EXPECTED TO BE RESOLVED.  
11    (B) UPON THE FAILURE TO PROVIDE A REFUND OR WRITTEN NOTICE TO A  
12    TAXPAYER PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE DEPARTMENT  
13    SHALL PAY THE TAXPAYER INTEREST ON THE REFUND OWED AT A RATE OF SIX  
14    PERCENT PER 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.

LBD07848-01-3