

3572--A

2013-2014 Regular Sessions

I N S E N A T E

February 6, 2013

Introduced by Sens. SEWARD, GIPSON, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to exempting certain veterans organizations from tax on non-highway diesel motor fuel used for heating purposes

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

1 Section 1. Paragraph 5 of subdivision (b) of section 1116 of the tax
2 law, as amended by chapter 619 of the laws of 1995, is amended to read
3 as follows:
4 (5) purchases of motor fuel or diesel motor fuel from the tax required
5 to be prepaid pursuant to section eleven hundred two of this article and
6 retail sales of motor fuel or diesel motor fuel subject to the tax
7 imposed by sections eleven hundred five and eleven hundred ten of this
8 article, except that purchases of such fuel by an organization described
9 in paragraph one or two of subdivision (a) of this section for its own
10 use or consumption, purchases of motor fuel by a hospital included in
11 the organizations described in paragraph four of such subdivision for
12 its own use and consumption, purchases of motor fuel and diesel motor
13 fuel by a fire company or fire department, as defined in section three
14 of the volunteer firefighters' benefit law or a voluntary ambulance
15 service, as defined in section three thousand one of the public health
16 law, for such department, company or service's own use and consumption
17 for use in firefighting vehicles, apparatus or equipment, or emergency
18 rescue or first aid response vehicles, apparatus or equipment, owned and

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

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1 operated by such department, company or service if such company, depart-
2 ment or service qualifies as an exempt organization pursuant to the
3 provisions of paragraph four of subdivision (a) of this section and
4 purchases of diesel motor fuel by an organization described in paragraph
5 four OR FIVE of such subdivision for its own heating use and consumption
6 shall be exempt from such tax required to be prepaid and from retail
7 sales and use taxes on such fuel.
8 S 2. This act shall take effect September 1, 2014, and shall apply to
9 sales made, uses occurring and services rendered on or after such date,
10 in accordance with applicable transitional provisions in sections 1106
11 and 1217 of the tax law.