

3889

2013-2014 Regular Sessions

I N S E N A T E

February 26, 2013

Introduced by Sen. BALL -- 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 establishing a motor fuel holiday tax credit for the 2013 tax year

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

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (vv) to read as follows:
3 (VV) MOTOR FUEL HOLIDAY TAX CREDIT. (1) RESIDENTS. FOR THE TAX YEAR
4 BEGINNING ON JANUARY FIRST, TWO THOUSAND THIRTEEN AND ENDING BEFORE
5 JANUARY FIRST, TWO THOUSAND FOURTEEN, A TAXPAYER SHALL BE ALLOWED A
6 CREDIT, TO BE COMPUTED AS PROVIDED IN PARAGRAPH FOUR OF THIS SUBSECTION,
7 AGAINST THE TAXES IMPOSED BY THIS ARTICLE FOR TAXES PAID UPON MOTOR FUEL
8 AND DIESEL MOTOR FUEL PURCHASED FROM A FILLING STATION IN THIS STATE
9 DURING A MOTOR FUEL TAX HOLIDAY; PROVIDED, HOWEVER, THAT SUCH CREDIT
10 SHALL NOT EXCEED TWENTY-FIVE DOLLARS. IF THE AMOUNT OF THE CREDIT ALLOW-
11 ABLE UNDER THIS SUBSECTION FOR ANY TAX YEAR SHALL EXCEED THE TAXPAYER'S
12 TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE FOLLOWING YEAR
13 OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR
14 YEARS.
15 (2) NONRESIDENTS. IN THE CASE OF A NONRESIDENT TAXPAYER OR A PART-YEAR
16 RESIDENT TAXPAYER, THE CREDIT DETERMINED UNDER THIS SUBSECTION SHALL BE
17 LIMITED TO THE AMOUNT DETERMINED BY MULTIPLYING THE AMOUNT OF SUCH CRED-
18 IT BY THE NEW YORK SOURCE FRACTION AS SET FORTH IN PARAGRAPH THREE OF
19 SUBSECTION (E) OF SECTION SIX HUNDRED ONE OF THIS ARTICLE. THE CREDIT AS
20 SO LIMITED SHALL BE APPLIED AS PROVIDED IN PARAGRAPH ONE OF THIS
21 SUBSECTION.
22 (3) DEFINITIONS. FOR PURPOSES OF THIS SUBSECTION:
23 (A) "MOTOR FUEL TAX HOLIDAY" SHALL MEAN (I) THE PERIOD COMMENCING ON
24 THE FRIDAY IMMEDIATELY PRECEDING THE FOURTH DAY OF JULY AND ENDING ON

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

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1 THE FIRST MONDAY FOLLOWING THE FOURTH OF JULY; AND (II) THE PERIOD
2 COMMENCING ON THE FRIDAY IMMEDIATELY PRECEDING LABOR DAY AND ENDING ON
3 THE FIRST TUESDAY FOLLOWING LABOR DAY.

4 (B) "DIESEL MOTOR FUEL" AND "MOTOR FUEL" SHALL HAVE THE SAME MEANINGS
5 AS SECTION TWO HUNDRED EIGHTY-TWO OF THIS CHAPTER.

6 (C) "FILLING STATION" SHALL HAVE THE SAME MEANING AS SECTION TWO
7 HUNDRED EIGHTY-TWO OF THIS CHAPTER.

8 (4) CREDIT COMPUTATION. FOR THE PURCHASE OF MOTOR FUEL, THE CREDIT
9 SHALL EQUAL THE PRODUCT OF THIRTY-THREE CENTS MULTIPLIED BY THE NUMBER
10 OF GALLONS OF GASOLINE PURCHASED IN THIS STATE DURING A MOTOR FUEL TAX
11 HOLIDAY, PROVIDED THAT SUCH CLAIM IS SUPPORTED BY RECEIPTS LISTING THE
12 NUMBER OF GALLONS PURCHASED AND THE LOCATION OF THE FILLING STATION
13 WHERE SUCH MOTOR FUEL WAS PURCHASED. FOR THE PURCHASE OF DIESEL MOTOR
14 FUEL, THE CREDIT SHALL EQUAL THE PRODUCT OF THIRTY-TWO CENTS MULTIPLIED
15 BY THE NUMBER OF GALLONS OF DIESEL MOTOR FUEL PURCHASED IN THIS STATE
16 DURING A MOTOR FUEL TAX HOLIDAY, PROVIDED THAT SUCH CLAIM IS SUPPORTED
17 BY RECEIPTS LISTING THE NUMBER OF GALLONS PURCHASED AND THE LOCATION OF
18 THE FILLING STATION WHERE SUCH DIESEL MOTOR FUEL WAS PURCHASED.

19 S 2. This act shall take effect immediately.