

3677--A

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, GABRYSZAK, SCARBOROUGH, TITONE, WEISENBERG, CAHILL, STEVENSON, LAVINE, MILLER, WEPRIN, TITUS, BRINDISI, ENGLE-BRIGHT, GUNTHER, BARRETT -- Multi-Sponsored by -- M. of A. ARROYO, CERETTO, CRESPO, CROUCH, DiPIETRO, DUPREY, FINCH, FITZPATRICK, GLICK, GRAF, HAWLEY, HEASTIE, HOOPER, P. LOPEZ, V. 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

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York aviation jobs act".
3 S 2. Paragraph 1 of subdivision (dd) of section 1115 of the tax law,
4 as added by section 1 of part L of chapter 60 of the laws of 2004, is
5 amended to read as follows:
6 (1) Services otherwise taxable under paragraph three of subdivision
7 (c) of section eleven hundred five or under section eleven hundred ten
8 of this article, SALES OF GENERAL AVIATION AIRCRAFT, and tangible
9 personal property purchased and used by the person who sells such
10 services in performing such services, where such property becomes a
11 physical component part of the property upon which the services are
12 performed or where such property is a lubricant applied to aircraft,
13 shall be exempt from tax under this article where such services are
14 performed on aircraft.

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

LBD01351-05-3

1 S 3. The commissioner of taxation and finance, in conjunction with the
2 commissioner of transportation, shall review and analyze all statistical
3 data available for the purpose of determining the economic and revenue
4 impact of the sales and compensating use tax exemption for the sale of
5 general aviation aircraft enacted by section two of this act. Such
6 review and analysis shall include, but not be limited to, any increases
7 in aviation-related employment, aircraft basing, aircraft maintenance
8 and aircraft hangering within the state. The commissioner shall compile
9 his or her findings into a report, which shall be submitted, on or
10 before November 1, 2018, to the governor, the temporary president of the
11 senate and the speaker of the assembly.

12 S 4. This act shall take effect April 1, 2014, and shall apply to
13 sales of general aviation aircraft made and uses occurring on or after
14 such effective date in accordance with the applicable transitional
15 provisions of sections 1106 and 1107 of the tax law, but shall not apply
16 to sales occurring after March 31, 2019, and section two of this act
17 shall expire and be deemed repealed April 1, 2019. Provided, however,
18 that aircraft subject to exemption pursuant to paragraph 1 of subdivi-
19 sion (dd) of section 1115 of the tax law, as amended by section two of
20 this act, shall remain so exempt after the expiration and repeal of
21 section two of this act, including instances where the aircraft is
22 subsequently sold or the ownership is transferred or assigned, for the
23 useful life of the aircraft. Provided, further, that the commissioner of
24 taxation and finance shall be immediately authorized to adopt and amend
25 any rules or regulations and to issue any procedure, forms or
26 instructions necessary to implement section two of this act on its
27 effective date.