

10266

I N   A S S E M B L Y

May 19, 2016

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Introduced by M. of A. FARRELL -- read once and referred to the Committee on Ways and Means

AN ACT to amend the administrative code of the city of New York, in relation to the taxation of unincorporated businesses

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

1     Section 1. Subdivisions (a) and (b) of section 11-514 of the adminis-  
2     trative code of the city of New York, as amended by section 18 of part Q  
3     of chapter 60 of the laws of 2016, are amended to read as follows:  
4     (a) General. An unincorporated business income tax return shall be  
5     made and filed, and the balance of any tax shown on the face of such  
6     return, not previously paid as installments of estimated tax, shall be  
7     paid, on or before the fifteenth day of the fourth month following the  
8     close of a taxable year [for taxable years beginning before January  
9     first, two thousand sixteen, and], EXCEPT THAT IN THE CASE OF AN UNIN-  
10    CORPORATED BUSINESS CLASSIFIED AS A PARTNERSHIP FOR FEDERAL INCOME TAX  
11    PURPOSES, SUCH RETURN SHALL BE MADE AND FILED AND SUCH BALANCE SHALL BE  
12    PAID on or before the fifteenth day of the third month following the  
13    close of a taxable year for taxable years beginning on or after January  
14    first, two thousand sixteen, BY OR FOR EVERY:  
15    (1) [by or for every] unincorporated business, for taxable years  
16    beginning after nineteen hundred eighty-six but before nineteen hundred  
17    ninety-seven, having unincorporated business gross income, determined  
18    for purposes of this subdivision without any deduction for the cost of  
19    goods sold or services performed, of more than ten thousand dollars, or  
20    having any amount of unincorporated business taxable income;  
21    (2) [by or for every] partnership, for taxable years beginning after  
22    nineteen hundred ninety-six but before two thousand nine, having unin-  
23    corporated business gross income, determined for purposes of this subdivi-  
24    sion without any deduction for the cost of goods sold or services  
25    performed, of more than twenty-five thousand dollars, or having unincor-  
26    porated business taxable income of more than fifteen thousand dollars;  
27    (3) [by or for every] unincorporated business other than a partner-  
28    ship, for taxable years beginning after nineteen hundred ninety-six but

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

LBD15559-01-6

1 before two thousand nine, having unincorporated business gross income,  
2 determined for purposes of this subdivision without any deduction for  
3 the cost of goods sold or services performed, of more than seventy-five  
4 thousand dollars, or having unincorporated business taxable income of  
5 more than thirty-five thousand dollars; and

6 (4) [by or for every] unincorporated business, for taxable years  
7 beginning after two thousand eight, having unincorporated business gross  
8 income, determined for purposes of this subdivision without any  
9 deduction for the cost of goods sold or services performed, of more than  
10 ninety-five thousand dollars.

11 (b) Decedents. The return for any deceased individual shall be made  
12 and filed by his or her executor, administrator, or other person charged  
13 with his or her property. If a final return of a decedent is for a frac-  
14 tional part of a year, the due date of such return shall be[, for taxa-  
15 ble years beginning before January first, two thousand sixteen,] the  
16 fifteenth day of the fourth month following the close of the twelve-  
17 month period that began with the first day of such fractional part of  
18 the year[, and, for taxable years beginning on or after January first,  
19 two thousand sixteen, the fifteenth day of the third month following the  
20 close of the twelve-month period that began with the first day of such  
21 fractional part of the year].

22 S 2. Subdivision (i) of section 11-527 of the administrative code of  
23 the city of New York, as amended by section 19 of part Q of chapter 60  
24 of the laws of 2016, is amended to read as follows:

25 (i) Prepaid tax. For purposes of this section, any tax paid by the  
26 taxpayer before the last day prescribed for its payment and any amount  
27 paid by the taxpayer as estimated tax for a taxable year shall be deemed  
28 to have been paid by the taxpayer[, for taxable years beginning before  
29 January first, two thousand sixteen,] on the fifteenth day of the fourth  
30 month following the close of his or her taxable year with respect to  
31 which such amount constitutes a credit or payment, [and,] EXCEPT THAT  
32 for taxable years beginning on or after January first, two thousand  
33 sixteen, IN THE CASE OF A TAXPAYER CLASSIFIED AS A PARTNERSHIP FOR  
34 FEDERAL INCOME TAX PURPOSES, SUCH AMOUNT SHALL BE DEEMED TO HAVE BEEN  
35 PAID on the fifteenth day of the third month following the close of his  
36 or her taxable year with respect to which such amount constitutes a  
37 credit or payment.

38 S 3. This act shall take effect immediately.