S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. BARRETT, GUNTHER, ROBERTS, STIRPE, SANTABARBARA, RIVERA, BLANKENBUSH, CROUCH, BARCLAY, DiPIETRO, McLAUGHLIN, JAFFEE, LOPEZ -- Multi-Sponsored by -- M. of A. ARROYO, GLICK, MAGEE, McDONOUGH, OAKS, SKARTADOS -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a tax credit for farm vehicle tolls

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

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 49 to read as follows:

49. FARM VEHICLE TOLLS TAX CREDIT. (A) TAXPAYERS WHO OPERATE FARM VEHICLES ON THE NEW YORK STATE THRUWAY MAY CLAIM THE FARM VEHICLE TOLLS TAX CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE AT THE CLOSE OF THE TAX YEAR PROVIDED, HOWEVER, THAT THE UNUSED PORTION OF ANY TAX CREDIT CLAIMED SHALL NOT BE CARRIED FORWARD AND APPLIED IN ANOTHER TAX YEAR.

(B) FOR THE PURPOSES OF THIS SECTION, "FARM VEHICLE" SHALL MEAN A VEHICLE WHICH IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES AND AUTHORIZED TO TRAVEL ON THE NEW YORK STATE THRUWAY AND HAVING A GVWR OF NOT MORE THAN TWENTY-SIX THOUSAND POUNDS WHICH IS CONTROLLED AND OPERATED BY A FARMER, IS USED TO TRANSPORT AGRICULTURAL PRODUCTS, FARM MACHINERY, FARM SUPPLIES OR ALL OF THE AFOREMENTIONED TO OR FROM THE FARM AND IS NOT USED IN THE OPERATIONS OF A COMMON OR CONTRACT MOTOR CARRIER AND, SUCH A VEHICLE HAVING A GVWR OF MORE THAN TWENTY-SIX THOUSAND POUNDS WHILE BEING USED WITHIN ONE HUNDRED FIFTY MILES OF THE PERSON'S FARM.

(C) THE AMOUNT OF THE CREDIT SHALL BE SEVENTY-FIVE PERCENT OF THE NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR FARM VEHICLES CLAIMING THE FARM VEHICLE TOLLS TAX CREDIT.

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

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(D) TAXPAYER CLAIMING THE FARM VEHICLE TOLLS TAX CREDIT SHALL SUBMIT COPIES OF NEW YORK STATE THRUWAY TOLL RECEIPTS WITH TAX RETURNS THAT CLAIM A TAX CREDIT.

S 2. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(CCC) CREDIT FOR FARM VEHICLE TOLLS. (1) GENERAL. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR FARM VEHICLES, TO BE COMPUTED AS PROVIDED IN PARAGRAPH THREE OF THIS SUBSECTION.

(2) DEFINITIONS. FOR PURPOSES OF THIS SUBSECTION, "FARM VEHICLE" SHALL MEAN A VEHICLE WHICH IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES AND AUTHORIZED TO TRAVEL ON THE NEW YORK STATE THRUWAY AND HAVING A GVWR OF NOT MORE THAN TWENTY-SIX THOUSAND POUNDS WHICH IS CONTROLLED AND OPERATED BY A FARMER, IS USED TO TRANSPORT AGRICULTURAL PRODUCTS, FARM MACHINERY, FARM SUPPLIES OR ALL OF THE AFOREMENTIONED TO OR FROM THE FARM AND IS NOT USED IN THE OPERATIONS OF A COMMON OR CONTRACT MOTOR CARRIER AND, SUCH A VEHICLE HAVING A GVWR OF MORE THAN TWENTY-SIX THOUSAND POUNDS WHILE BEING USED WITHIN ONE HUNDRED FIFTY MILES OF THE PERSON'S FARM.

(3) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE SEVENTY-FIVE PERCENT OF THE NEW YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR FARM VEHICLES. IN NO EVENT SHALL THE CREDIT PROVIDED IN THIS SUBSECTION BE ALLOWED IN EXCESS OF THE TAXPAYER'S TAX FOR SUCH YEAR.

S 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xli) to read as follows:

(XLI) CREDIT FOR FARM VEHICLE TOLLS UNDER SUBSECTION (CCC)	AMOUNT OF CREDIT UNDER SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B

S 4. This act shall take effect immediately; provided, however, that the credits established by sections one, two and three of this act shall apply to taxable years beginning on or after January 1, 2016.