

3827

2015-2016 Regular Sessions

I N   S E N A T E

February 18, 2015

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Introduced by Sen. MARCHIONE -- 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 tax credit for farm vehicle tolls

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

1     Section 1. Section 210-B of the tax law is amended by adding a new  
2     subdivision 49 to read as follows:  
3     49. FARM VEHICLE TOLLS TAX CREDIT. (A) TAXPAYERS WHO OPERATE FARM  
4     VEHICLES ON THE NEW YORK STATE THRUWAY MAY CLAIM THE FARM VEHICLE TOLLS  
5     TAX CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE AT THE CLOSE OF THE  
6     TAX YEAR PROVIDED, HOWEVER, THAT THE UNUSED PORTION OF ANY TAX CREDIT  
7     CLAIMED SHALL NOT BE CARRIED FORWARD AND APPLIED IN ANOTHER TAX YEAR.  
8     (B) FOR THE PURPOSES OF THIS SECTION, "FARM VEHICLE" SHALL MEAN A  
9     VEHICLE WHICH IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES AND  
10    AUTHORIZED TO TRAVEL ON THE NEW YORK STATE THRUWAY AND HAVING A GVWR OF  
11    NOT MORE THAN TWENTY-SIX THOUSAND POUNDS WHICH IS CONTROLLED AND OPER-  
12    ATED BY A FARMER, IS USED TO TRANSPORT AGRICULTURAL PRODUCTS, FARM  
13    MACHINERY, FARM SUPPLIES OR ALL OF THE AFOREMENTIONED TO OR FROM THE  
14    FARM AND IS NOT USED IN THE OPERATIONS OF A COMMON OR CONTRACT MOTOR  
15    CARRIER AND, SUCH A VEHICLE HAVING A GVWR OF MORE THAN TWENTY-SIX THOU-  
16    SAND POUNDS WHILE BEING USED WITHIN ONE HUNDRED FIFTY MILES OF THE  
17    PERSON'S FARM.  
18    (C) THE AMOUNT OF THE CREDIT SHALL BE SEVENTY-FIVE PERCENT OF THE NEW  
19    YORK STATE THRUWAY TOLLS PAID BY THE TAXPAYER FOR FARM VEHICLES CLAIMING  
20    THE FARM VEHICLE TOLLS TAX CREDIT.  
21    (D) TAXPAYER CLAIMING THE FARM VEHICLE TOLLS TAX CREDIT SHALL SUBMIT  
22    COPIES OF NEW YORK STATE THRUWAY TOLL RECEIPTS WITH TAX RETURNS THAT  
23    CLAIM A TAX CREDIT.

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

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

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

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

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

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

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

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