# STATE OF NEW YORK

1052

2017-2018 Regular Sessions

# IN SENATE

January 6, 2017

Introduced by Sen. AKSHAR -- 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 and the state finance law, in relation to providing for the deposit into the dedicated highway and bridge trust fund of a portion of the sales tax revenue from the sale of motor fuel

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 1148 of the tax law, as amended by section 57 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

§ 1148. Deposit and disposition of revenue. [~~All~~] **(a) Except as otherwise provided in subdivision (b) of this section, all** taxes, interest and penalties collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter; provided however, the comptroller shall on or before the twelfth day of each month, pay all such taxes, interest and penalties collected under this article and remaining to the comptroller's credit in such banks, banking houses or trust companies at the close of business on the last day of the preceding month, into the general fund of the state treasury, except as otherwise provided in sections ninety-two-d, ninety-two-h, and ninety-two-r of the state finance law and sections eleven hundred two, eleven hundred four and eleven hundred nine of this article.

**(b) One cent of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.**

§ 2. Subdivision (b) of section 1148 of the tax law, as added by section one of this act, is amended to read as follows:

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

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(b) [~~One cent~~] **Two cents** of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

§ 3. Subdivision (b) of section 1148 of the tax law, as amended by section two of this act, is amended to read as follows:

(b) [~~Two~~] **Three** cents of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

§ 4. Subdivision (b) of section 1148 of the tax law, as amended by section three of this act, is amended to read as follows:

(b) [~~Three~~] **Four** cents of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

§ 5. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 11 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen**, eleven hundred forty-eight** and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five, section four hundred twenty-three-a, section four hundred ten, section three hundred seventeen, section three hundred eighteen, article twelve-C, and paragraph (c-1) of subdivision two of section five hundred three of the vehicle and traffic law, section two of [~~the~~] **part U1 of** chapter **sixty-two** of the laws of two thousand three [~~that amended this paragraph~~], subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and sections ninety-four, one hundred thirty-five, and one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 6. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 12 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen**, eleven hundred forty-eight** and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five, section four hundred twenty-three-a, section four hundred ten, section three hundred seventeen, section three hundred eighteen, article twelve-C, and paragraph (c-1) of subdivision two of section five hundred three of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and sections ninety-four, one hundred thirty-five, and one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 7. This act shall take effect April 1, 2017, provided, that:

(a) section two of this act shall take effect April 1, 2018;

(b) section three of this act shall take effect April 1, 2019;

(c) section four of this act shall take effect April 1, 2020; and

(d) the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law, made by section five of this act, shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section six of this act shall take effect.