STATE OF NEW YORK

536

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. YOUNG -- 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 the recordkeeping voluntary compliance program for purposes of sales tax liability

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

Section 1. The tax law is amended by adding a new section 1135-a to read as follows:

§ 1135-a. Recordkeeping voluntary compliance program. 1. Notwithstanding any other provision of law to the contrary, there shall be established a recordkeeping voluntary compliance program to be administered by the commissioner, for all eligible taxpayers.

2. For purposes of this section, an "eligible taxpayer" is an individual, partnership, estate, trust, corporation, limited liability company, joint stock company, or any other company, trustee, receiver, assignee, referee, society, association, business or any other person subject to sales tax imposed by or pursuant to the authority of this chapter.

3. The commissioner is authorized to enter into a recordkeeping voluntary compliance agreement with an eligible taxpayer. A recordkeeping voluntary compliance agreement shall be in a form to be established by the commissioner and include such terms as the commissioner may reasonably require to require the eligible taxpayer to maintain books and records in a form pursuant to section eleven hundred thirty-five of this part and to comply with this chapter in the future including, but not limited to requiring the use of certified point of sales systems.

§ 2. Section 1138 of the tax law is amended by adding a new subdivision (e) to read as follows:

(e) Notwithstanding any other provision of law to the contrary, a taxpayer that is a party to a recordkeeping voluntary compliance agree-

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

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ment pursuant to section eleven hundred thirty-five-a of this part shall not be subject to the provisions of paragraph one of subdivision (a) of this section and no tax shall be estimated on the basis of external indices unless the commissioner finds that the taxpayer is in substantial non-compliance with its recordkeeping voluntary compliance agreement.

§ 3. This act shall take effect immediately.