

STATE OF NEW YORK

11051--A

IN ASSEMBLY

October 7, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Braunstein)
-- read once and referred to the Committee on Ways and Means --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the tax law, in relation to exempting from sales and
compensating use taxes any equipment or product purchased by restau-
rant or food service establishment for use in outdoor dining during
the novel coronavirus (COVID-19)

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

1 Section 1. Subdivision (a) of section 1115 of the tax law is amended
2 by adding a new paragraph 46 to read as follows:

3 (46) Any equipment or product purchased by any restaurant or food
4 service establishment for the use in outdoor dining during the novel
5 coronavirus (COVID-19) pandemic.

6 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
7 sion 55 to read as follows:

8 55. Sales tax paid on outdoor dining equipment credit. (1) For the
9 period beginning June fourth, two thousand twenty and ending on the
10 effective date of this subdivision, a taxpayer who owns a restaurant or
11 food service establishment shall be allowed a credit for sales tax paid
12 for any equipment or product purchased by such taxpayer for use in
13 outdoor dining during the novel coronavirus (COVID-19) pandemic.

14 (2) If the amount of the credit allowed under this subdivision for any
15 taxable year shall exceed the taxpayer's tax for such year, the excess
16 shall be treated as an overpayment of tax to be credited or refunded in
17 accordance with the provisions of section six hundred eighty-six of this
18 article, provided, however, that no interest shall be paid thereon.

19 § 3. Section 606 of the tax law is amended by adding a new subsection
20 (kkk) to read as follows:

21 (kkk) Sales tax paid on outdoor dining equipment credit. (1) For the
22 period beginning June fourth, two thousand twenty and ending on the
23 effective date of this subsection, a taxpayer who owns a restaurant or
24 food service establishment shall be allowed a credit for sales tax paid

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

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1 for any equipment or product purchased by such taxpayer for use in
2 outdoor dining during the novel coronavirus (COVID-19) pandemic.

3 (2) If the amount of the credit allowed under this subsection for any
4 taxable year shall exceed the taxpayer's tax for such year, the excess
5 shall be treated as an overpayment of tax to be credited or refunded in
6 accordance with the provisions of section six hundred eighty-six of this
7 article, provided, however, that no interest shall be paid thereon.

8 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
9 of the tax law is amended by adding a new clause (xlvi) to read as
10 follows:

11 <u>(xlvi) Sales tax paid on outdoor</u>	<u>Sales tax paid on</u>
12 <u>dining equipment credit</u>	<u>outdoor dining</u>
13 <u>under subsection (kkk)</u>	<u>equipment credit</u>
	<u>under subdivision</u>
	<u>fifty-five of</u>
	<u>section two</u>
	<u>hundred ten-B</u>

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18 § 5. This act shall take effect on the first day of a sales tax quar-
19 terly period, as described in subdivision (b) of section 1136 of the tax
20 law, next commencing at least thirty days after this act shall have
21 become a law and shall apply in accordance with the applicable transi-
22 tional provisions of sections 1106 and 1217 of the tax law; provided
23 that the commissioner of taxation and finance shall be authorized on and
24 after the date this act shall have become a law to take steps necessary
25 to implement the provisions of this act on its effective date.