STATE OF NEW YORK

4607

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. B. MILLER, FINCH, HAWLEY, KOLB -- Multi-Sponsored by -- M. of A. BLANKENBUSH, GOODELL -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing the threshold for employer's return and payment of withheld taxes

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

Section 1. Paragraphs 1 and 2 of subsection (a) of section 674 of the tax law, paragraph 1 as added by chapter 166 of the laws of 1991 and paragraph 2 as amended by chapter 477 of the laws of 1998, are amended to read as follows:

(1) If, after having made a payroll, an employer has been required to deduct and withhold, but has not paid over, a cumulative aggregate amount of [~~seven hundred~~] one thousand dollars or more of tax during a calendar quarter, such employer shall file a return and pay over the tax. If an employer was required to remit a cumulative aggregate amount of less than fifteen thousand dollars in withholding tax during the calendar year which precedes the previous calendar year, the tax shall be paid over on or before the fifth business day following the date of making such a payroll. If an employer was required to remit a cumulative aggregate amount more than or equal to fifteen thousand dollars in withholding tax during the calendar year which precedes the previous calendar year, the tax shall be paid over on or before the third business day following the date of making such a payroll. In the case of an "educational organization" as defined in paragraph two of subsection (a) of section nine of this chapter or a "health care provider" as defined in paragraph four of subsection (a) of section nine of this chapter, the tax shall be paid over on or before the fifth business day following the date of making such a payroll.

(2) If, at the close of any calendar quarter, an employer has been required to deduct and withhold, but has not paid over, a cumulative

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

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aggregate amount of less than [~~seven hundred~~] **one thousand** dollars of tax during such calendar quarter, such employer shall pay over the tax with the quarterly combined withholding, wage reporting and unemployment insurance return required to be filed for such quarter by paragraph four of this subsection, on or before the last date prescribed by such paragraph for filing such return.

§ 2. This act shall take effect January 1, 2020, and shall apply to all taxes required to be deducted and withheld on and after such date.