

STATE OF NEW YORK

1144

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

Introduced by Sen. CARLUCCI -- 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 tax credits for taxpayers which provide their employees with access to federal qualified transportation fringe benefits

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

1 Section 1. The tax law is amended by adding a new section 44 to read
2 as follows:

3 § 44. Credit for provision of employee federal qualified transportation
4 fringe benefits. (a) Allowance of credit. For the taxable year
5 commencing on January first, two thousand nineteen, a taxpayer subject
6 to tax under article nine, nine-A, twenty-two or thirty-three of this
7 chapter shall be allowed a credit against such tax, pursuant to the
8 provisions referenced in subdivision (d) of this section. The credit
9 shall be allowed where a taxpayer has established and implemented feder-
10 al qualified transportation fringe benefits for its employees during the
11 taxable year in which such credit is claimed, and the taxpayer has not
12 provided such benefits to its employees during any prior taxable year.
13 The credit shall be equal to fifty dollars for each employee of the
14 taxpayer who elected to participate in the taxpayer's federal qualified
15 transportation fringe benefits program during the taxable year in which
16 such program is established by the taxpayer. The amount of the credit
17 granted to any taxpayer pursuant to this section shall not exceed fifty
18 thousand dollars.

19 (b) Definition. As used in this section, "federal qualified transpor-
20 tation fringe benefits" means a qualified federal transportation fringe
21 benefits program established and implemented by a taxpayer in accordance
22 with section 132(f) of the internal revenue code and the regulations

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

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1 adopted pursuant thereto. Every such program shall be administered by a
2 third party program administrator.

3 (c) Cross references. For application of the credit provided for in
4 this section, see the following provisions of this chapter:

5 (1) Article 9: Section 187-t,

6 (2) Article 9-A: Section 210-B, subdivision 53,

7 (3) Article 22: Section 606, subsections (i) and (jjj),

8 (4) Article 33: Section 1511, subdivision (dd).

9 (d) Allocation of credit. The aggregate of tax credits allowed under
10 this section, section one hundred eighty-seven-t, subdivision fifty-
11 three of section two hundred ten-B, clause (xliv) of subparagraph (B) of
12 paragraph one of subsection (i) and subsection (jjj) of section six
13 hundred six and subdivision (dd) of section fifteen hundred eleven of
14 this chapter shall not exceed five million dollars.

15 § 2. The tax law is amended by adding a new section 187-t to read as
16 follows:

17 § 187-t. Credit for provision of employee federal qualified transpor-
18 tation fringe benefits. 1. Allowance of credit. A taxpayer shall be
19 allowed a credit, to be computed as provided in section forty-four of
20 this chapter, against the taxes imposed by sections one hundred eighty-
21 three and one hundred eighty-four of this article. Provided, however,
22 that the amount of such credit allowable against the tax imposed by
23 section one hundred eighty-four of this article shall be the excess of
24 the amount of such credit over the amount of any credit allowed by this
25 section against the tax imposed by section one hundred eighty-three of
26 this article.

27 2. Application of credit. In no event shall the credit under this
28 section be allowed in an amount which will reduce the tax payable to
29 less than the applicable minimum tax fixed by section one hundred eight-
30 y-three of this article.

31 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
32 sion 53 to read as follows:

33 53. Credit for provision of employee federal qualified transportation
34 fringe benefits. (a) Allowance of credit. A taxpayer shall be allowed a
35 credit, to be computed as provided in section forty-four of this chap-
36 ter, against the tax imposed by this article.

37 (b) Application of credit. The credit allowed under this subdivision
38 shall not reduce the tax due to less than the higher of the amounts
39 prescribed in paragraphs (c) and (d) of subdivision one of this section.

40 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
41 of the tax law is amended by adding a new clause (xliv) to read as
42 follows:

43 <u>(xliv) Credit for provision of</u>	<u>Amount of credit under subdivision</u>
44 <u>employee federal qualified</u>	<u>fifty-three of section two hundred</u>
45 <u>transportation fringe benefits</u>	<u>ten-B, or subdivision (dd) of</u>
46 <u>under subsection (jjj)</u>	<u>section fifteen hundred eleven</u>

47 § 5. Section 606 of the tax law is amended by adding a new subsection
48 (jjj) to read as follows:

49 (jjj) Credit for provision of employee federal qualified transporta-
50 tion fringe benefits. Allowance of credit. A taxpayer shall be allowed a
51 credit, to be computed as provided in section forty-four of this chap-
52 ter, against the tax imposed by this article.

53 § 6. Section 1511 of the tax law is amended by adding a new subdivi-
54 sion (dd) to read as follows:

55 (dd) Credit for provision of employee federal qualified transportation
56 fringe benefits. (1) Allowance of credit. A taxpayer shall be allowed a

1 credit, to be computed as provided in section forty-four of this chap-
2 ter, against the taxes imposed by this article.

3 (2) Application of credit. The credit allowed under this subdivision
4 shall not reduce the tax due to less than the minimum tax fixed by para-
5 graph four of subdivision (a) of section fifteen hundred two of this
6 article or by section fifteen hundred two-a of this article, whichever
7 is applicable.

8 § 7. This act shall take effect immediately.