

# STATE OF NEW YORK

3280

2019-2020 Regular Sessions

## IN SENATE

February 5, 2019

Introduced by Sen. LANZA -- 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 insurance law, in relation to the tax credits for premiums paid for long-term care insurance

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

1 Section 1. Subdivision 1 of section 190 of the tax law, as amended by  
2 section 102 of part A of chapter 59 of the laws of 2014, is amended to  
3 read as follows:

4 1. General. A taxpayer shall be allowed a credit not to exceed one  
5 thousand dollars for each policy of insurance, against the tax imposed  
6 by this article equal to [~~twenty percent~~] the amount of the premium paid  
7 during the taxable year for long-term care insurance. In order to quali-  
8 fy for such credit, the taxpayer's premium payment must be for the  
9 purchase of or for continuing coverage under a long-term care insurance  
10 policy that qualifies for such credit pursuant to section one thousand  
11 one hundred seventeen of the insurance law.

12 § 2. Paragraph (a) of subdivision 14 of section 210-B of the tax law,  
13 as added by section 17 of part A of chapter 59 of the laws of 2014, is  
14 amended to read as follows:

15 (a) General. A taxpayer shall be allowed a credit, not to exceed one  
16 thousand dollars for each policy of insurance, against the tax imposed  
17 by this article equal to [~~twenty percent~~] the amount of the premium paid  
18 during the taxable year for long-term care insurance. In order to quali-  
19 fy for such credit, the taxpayer's premium payment must be for the  
20 purchase of or for continuing coverage under a long-term care insurance  
21 policy that qualifies for such credit pursuant to section one thousand  
22 one hundred seventeen of the insurance law.

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

LBD06655-01-9

1 § 3. Paragraph 1 of subsection (aa) of section 606 of the tax law, as  
2 amended by section 1 of part P of chapter 61 of the laws of 2005, is  
3 amended to read as follows:

4 (1) Residents. A taxpayer shall be allowed a credit, not to exceed one  
5 thousand dollars for each policy of insurance, against the tax imposed  
6 by this article equal to [~~twenty-percent~~] the amount of the premium paid  
7 during the taxable year for long-term care insurance. In order to quali-  
8 fy for such credit, the taxpayer's premium payment must be for the  
9 purchase of or for continuing coverage under a long-term care insurance  
10 policy that qualifies for such credit pursuant to section one thousand  
11 one hundred seventeen of the insurance law. If the amount of the credit  
12 allowable under this subsection for any taxable year shall exceed the  
13 taxpayer's tax for such year, the excess may be carried over to the  
14 following year or years and may be deducted from the taxpayer's tax for  
15 such year or years.

16 § 4. Paragraph 1 of subdivision (m) of section 1511 of the tax law, as  
17 amended by section 21 of part B of chapter 58 of the laws of 2004, is  
18 amended to read as follows:

19 (1) A taxpayer shall be allowed a credit, not to exceed one thousand  
20 dollars for each policy of insurance, against the tax imposed by this  
21 article equal to [~~twenty-percent~~] the amount of the premium paid during  
22 the taxable year for long-term care insurance. In order to qualify for  
23 such credit, the taxpayer's premium payment must be for the purchase of  
24 or for continuing coverage under a long-term care insurance policy that  
25 qualifies for such credit pursuant to section one thousand one hundred  
26 seventeen of the insurance law.

27 § 5. Paragraph 1 of subsection (g) of section 1117 of the insurance  
28 law, as amended by chapter 417 of the laws of 2001, is amended to read  
29 as follows:

30 (1) Except for certain group contracts described in paragraph four of  
31 this subsection, in order for premium payments for long-term care insur-  
32 ance to qualify for purposes of section one hundred ninety, subdivision  
33 [~~twenty-five-a~~] fourteen of section two hundred [~~ten~~] ten-B, subsection  
34 (aa) of section six hundred six[, ~~subsection (k) of section one thousand~~  
35 ~~four hundred fifty-six~~] and subsection (m) of section one thousand five  
36 hundred eleven of the tax law, the long-term care insurance must be  
37 approved by the superintendent pursuant to this subsection. Prior to  
38 approving any such insurance, the superintendent shall conclude that it  
39 meets minimum standards, including minimum loss ratio standards under  
40 this section or section three thousand two hundred twenty-nine of this  
41 chapter and is a qualified long-term care insurance contract as defined  
42 in section 7702B of the internal revenue code.

43 § 6. This act shall take effect on the first of January next succeed-  
44 ing the date on which it shall have become a law.