

# STATE OF NEW YORK

6724--A

2019-2020 Regular Sessions

## IN SENATE

September 18, 2019

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Budget and Revenue in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to the losses from payroll interruption credit; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 606 of the tax law is amended by adding a new  
2 subsection (kkk) to read as follows:

3 (kkk) Losses from payroll interruption credit. (1) For taxable years  
4 beginning on or after January first, two thousand nineteen, a qualified  
5 taxpayer will be able to claim a refundable credit up to two hundred  
6 fifty dollars for eligible losses incurred from the interruption in the  
7 payment of their wages or salary due to an action by a payroll service  
8 company or an automated clearing house processor.

9 (2) For purposes of this subsection, the following definitions shall  
10 apply:

11 (i) "qualified taxpayer" shall mean a resident of New York with a  
12 federal adjusted gross income up to ninety thousand dollars if filing as  
13 a single, head of household, or qualified widow(er) filer or one hundred  
14 eighty thousand dollars if married filing jointly.

15 (ii) "eligible losses" shall mean any penalties or fees incurred due  
16 to having a loss of wages or salary due to the delay, withdrawal or loss  
17 of a paycheck or paychecks due to the actions of a payroll company or an  
18 automated clearing house processor, including but not limited to fees  
19 and penalties for an overdrawn bank account, late rent payment, late  
20 loan payments, or other losses.

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

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1 (iii) "payroll service company" means a company contracted by the  
2 qualified taxpayer's employer to handle responsibilities including but  
3 not limited to setting up and making adjustments to direct deposit  
4 accounts, calculating payroll taxes and ensuring correct deductions are  
5 made, providing electronic payroll records to employees and employers,  
6 and ensuring compliance with all state and federal laws governing  
7 payroll and payroll deductions.

8 (iv) "automated clearing house processor" means a company responsible  
9 for processing payments on an automated clearing house network.

10 (v) "automated clearing house network" means any electronic network  
11 utilized to make electronic fund transfers governed by rules and regu-  
12 lations established by the national automated clearing house association  
13 (NACHA).

14 (3) Proof of claim. The commissioner may require a qualified taxpayer  
15 to furnish information necessary to prove that the eligible losses being  
16 claimed are the result of a specific interruption in the payment of  
17 wages and salary to the taxpayer, as determined by the commissioner.

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

23 (5) Credit recapture. For provisions requiring recapture of credit,  
24 see section forty-four of this chapter.

25 § 2. This act shall take effect immediately and shall apply to taxable  
26 years beginning on and after January 1, 2019 and shall expire and be  
27 deemed repealed January 1, 2021.