

STATE OF NEW YORK

8832

IN SENATE

July 20, 2020

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to use of electronic signatures on certain records collected by tax return preparers; and to repeal certain provisions of the tax law relating thereto

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

1 Section 1. Paragraph 2 of subsection (a) of section 653 of the tax law
2 is REPEALED.

3 § 2. The tax law is amended by adding a new section 171-aa to read as
4 follows:

5 § 171-aa. E-file authorizations collected by tax return preparers.
6 (a) For purposes of this section, the following terms have the following
7 meanings:

8 (1) "E-file authorization" is a record collected by a tax return
9 preparer.

10 (2) "Electronic signature" has the definition set forth in the elec-
11 tronic signatures and records act of the state technology law.

12 (3) "Electronic means" is use of computer technology.

13 (4) "Tax" means any tax or other matter administered by the commis-
14 sioner pursuant to this chapter or any other provision of law.

15 (5) "Tax document" means a return, report or any other document relat-
16 ing to a tax or other matter administered by the commissioner.

17 (6) "Tax return preparer" means any person who prepares for compen-
18 sation, or who employs or engages one or more persons to prepare for
19 compensation, any tax document. For purposes of this section, the term
20 "tax return preparer" also includes a payroll service.

21 (b) If a tax document is authorized by the commissioner to be filed
22 electronically, then any associated e-file authorization prescribed by
23 the commissioner may be signed using an electronic signature compliant
24 with any instructions prescribed by the commissioner.

25 (c) An e-file authorization signed electronically in the manner set
26 forth in subsection (b) of this section shall have the same force and
27 effect as a handwritten signature and may be provided to a tax preparer
28 by electronic means.

29 § 3. This act shall take effect immediately.

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

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