

# STATE OF NEW YORK

10093

## IN ASSEMBLY

April 29, 2022

Introduced by M. of A. SCHMITT -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to excluding overtime wages and income from tips from being included in the New York adjusted gross income of a resident individual

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

- 1 Section 1. This act shall be known and may be cited as the "middle  
2 class tax relief act".
- 3 § 2. Section 612 of the tax law is amended by adding two new  
4 subsections (y) and (z) to read as follows:
- 5 (y) Overtime compensation. (1) There shall be subtracted from federal  
6 adjusted gross income any applicable income from wages paid for overtime  
7 received by the taxpayer during the taxable year.
- 8 (2) For the purposes of this section, "overtime" shall have the same  
9 meaning as in section two hundred thirty-two of the labor law.
- 10 (z) Tipped wages. (1) There shall be subtracted from federal adjusted  
11 gross income any applicable income from tips received by the taxpayer  
12 during the taxable year.
- 13 (2) Applicable income from tips is income received as a gratuity for  
14 service provided by the taxpayer, including, but not limited to, food  
15 service work.
- 16 § 3. This act shall take effect immediately.

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

LBD15074-01-2