

STATE OF NEW YORK

6408

2021-2022 Regular Sessions

IN SENATE

April 27, 2021

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law, in relation to increasing the threshold for employer's return and payment of withheld taxes

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

1 Section 1. Paragraphs 1 and 2 of subsection (a) of section 674 of the
2 tax law, paragraph 1 as added by chapter 166 of the laws of 1991 and
3 paragraph 2 as amended by chapter 477 of the laws of 1998, are amended
4 to read as follows:

5 (1) If, after having made a payroll, an employer has been required to
6 deduct and withhold, but has not paid over, a cumulative aggregate
7 amount of [~~seven hundred~~ one thousand dollars or more of tax during a
8 calendar quarter, such employer shall file a return and pay over the
9 tax. If an employer was required to remit a cumulative aggregate amount
10 of less than fifteen thousand dollars in withholding tax during the
11 calendar year which precedes the previous calendar year, the tax shall
12 be paid over on or before the fifth business day following the date of
13 making such a payroll. If an employer was required to remit a cumulative
14 aggregate amount more than or equal to fifteen thousand dollars in with-
15 holding tax during the calendar year which precedes the previous calen-
16 dar year, the tax shall be paid over on or before the third business day
17 following the date of making such a payroll. In the case of an "educa-
18 tional organization" as defined in paragraph two of subsection (a) of
19 section nine of this chapter or a "health care provider" as defined in
20 paragraph four of subsection (a) of section nine of this chapter, the
21 tax shall be paid over on or before the fifth business day following the
22 date of making such a payroll.

23 (2) If, at the close of any calendar quarter, an employer has been
24 required to deduct and withhold, but has not paid over, a cumulative
25 aggregate amount of less than [~~seven hundred~~ one thousand dollars of

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

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1 tax during such calendar quarter, such employer shall pay over the tax
2 with the quarterly combined withholding, wage reporting and unemployment
3 insurance return required to be filed for such quarter by paragraph four
4 of this subsection, on or before the last date prescribed by such para-
5 graph for filing such return.

6 § 2. This act shall take effect January 1, 2022, and shall apply to
7 all taxes required to be deducted and withheld on and after such date.