

STATE OF NEW YORK

9516

IN SENATE

July 29, 2022

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

AN ACT to amend the tax law and the general business law, in relation to suspending taxes on gasoline and similar motor fuels between April 1, 2022 and September 5, 2023; and to amend the state finance law, in relation to dedicated highway and bridge trust fund set asides; 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. The tax law is amended by adding a new section 289-g to
2 read as follows:

3 § 289-g. Exemption period for tax on gasoline and similar motor fuels.
4 Notwithstanding any other law, rule or regulation to the contrary, taxes
5 pursuant to the provisions of this article shall not be imposed on sales
6 made during the period commencing April first, two thousand twenty-two
7 and ending September fifth, two thousand twenty-three.

8 § 2. Subdivision (a) of section 1115 of the tax law is amended by
9 adding a new paragraph 47 to read as follows:

10 (47) Notwithstanding any other provision of law to the contrary, motor
11 fuel and diesel motor fuel suitable for use in operation of a motor
12 vehicle engine, on sales made during the period commencing April first,
13 two thousand twenty-two and ending September fifth, two thousand twen-
14 ty-three. This paragraph only pertains to taxes imposed by sections
15 eleven hundred five and eleven hundred ten of this article.

16 § 3. Section 301-b of the tax law is amended by adding a new subdivi-
17 sion (k) to read as follows:

18 (k) Any gallonage sold by a petroleum business during the period
19 commencing April first, two thousand twenty-two and ending September
20 fifth, two thousand twenty-three.

21 § 4. Section 392-i of the general business law, as amended by section
22 5 of part M-1 of chapter 109 of the laws of 2006, is amended to read as
23 follows:

24 § 392-i. Prices reduced to reflect change in sales tax computation.
25 Every person engaged in the retail sale of motor fuel and/or diesel

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

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1 motor fuel or a distributor of such fuels, as defined in article
2 twelve-A of the tax law, shall reduce the price such person charges for
3 motor fuel and/or diesel motor fuel in an amount equal to any reduction
4 in taxes prepaid by the distributor or paid by retail customers result-
5 ing from computing sales and compensating use and other taxes at a cents
6 per gallon rate pursuant to the provisions of paragraph two of subdivi-
7 sion (e) and subdivision (m) of section eleven hundred eleven of the tax
8 law, section two hundred eighty-nine-g of the tax law, paragraph forty-
9 seven of subdivision (a) of section eleven hundred fifteen of the tax
10 law, and section three hundred one-b of the tax law.

11 § 5. Paragraph (f) of subdivision 3 of section 89-b of the state
12 finance law, as amended by chapter 56 of the laws of 1993, is amended to
13 read as follows:

14 (f) In the event that the amount set aside by the comptroller pursuant
15 to paragraph (e) of this subdivision is not sufficient to meet the dedi-
16 cated highway and bridge trust fund cooperative agreement payments
17 required pursuant to a certificate or certificates submitted by the
18 chairperson pursuant to subdivision two of section three hundred eight-
19 y-five of the public authorities law, the comptroller shall immediately
20 transfer first from the highway and bridge capital account, and then, if
21 necessary, from the general fund to the special obligation reserve and
22 payment account, an amount which, when combined with the amount set
23 aside pursuant to paragraph (e) of this subdivision, shall be sufficient
24 to make the dedicated highway and bridge trust fund cooperative agree-
25 ment payments required pursuant to such certificate or certificates.
26 Following such an event, the comptroller shall, immediately set aside
27 the amounts required pursuant to paragraph (e) of this subdivision, set
28 aside and pay the next moneys received by the special obligation reserve
29 and payment account to reimburse the general fund for moneys which were
30 transferred to the special obligation reserve and payment account pursu-
31 ant to this paragraph. Such amounts shall be set aside until the full
32 amount of moneys transferred from the general fund shall have been set
33 aside and any such moneys set aside shall be transferred to the general
34 fund no later than the last day of each month, provided, however,
35 following such an event occurring between April first, two thousand
36 twenty-two, and September fifth, two thousand twenty-three the special
37 obligation reserve and payment account shall not reimburse the general
38 fund for moneys, which were transferred to the special obligation
39 reserve and payment account.

40 § 6. Notwithstanding any law to the contrary, a municipality may make
41 the election to eliminate all taxes on gasoline and diesel motor fuel
42 pursuant to sections 1107 and 1108 of the tax law or article 29 of the
43 tax law beginning April 1, 2022 and ending after September 5, 2023, by
44 local law, ordinance or resolution, if such municipality mails, by
45 certified or registered mail, a certified copy of such local law, ordi-
46 nance or resolution to the commissioner of taxation and finance at his
47 or her office in Albany on or before June 1, 2022.

48 § 7. Notwithstanding any other provision of law to the contrary, the
49 commissioner of taxation and finance shall promulgate and/or amend rules
50 and regulations necessary to allow for a refund of taxes which were
51 prepaid on any product exempted by this act.

52 § 8. This act shall take effect immediately and shall expire and be
53 deemed repealed one year after such date.