

STATE OF NEW YORK

10179

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fitzpatrick)
-- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the tax law, in relation to qualification for and establishment of a building construction, demolition and repair work insurance credit

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

1 Section 1. The insurance law is amended by adding a new section 3463
2 to read as follows:

3 § 3463. Qualification of building construction, demolition and repair
4 work insurance for tax credit.

5 (a) The superintendent of financial services is hereby authorized to
6 promulgate regulations relating to the certification of policies of
7 insurance which qualify for certain work under sections two hundred
8 forty and two hundred forty-one of the labor law, provided for under
9 section twenty-three-a of the tax law. Such tax credit shall only apply
10 against a portion of the premium paid for coverage under subsection (b)
11 of this section as determined by the superintendent.

12 (b) In order to qualify for the building construction, demolition and
13 repair work credit provided under section twenty-three-a of the tax law,
14 insurance shall be personal injury liability insurance or property
15 damage liability insurance, as such terms are defined by section one
16 thousand one hundred thirteen of this chapter, and shall contain cover-
17 age for claims including third party claims for construction site bodily
18 injury and property damage resulting from the application of
19 construction workers injured from an elevation risk while performing
20 work covered under section two hundred forty or two hundred forty-one of
21 the labor law, or substantially similar coverage.

22 (c) The tax credit for building construction, demolition and repair
23 work insurance under section twenty-three-a of the tax law shall be
24 limited to any contractor performing work involving the erection, demo-
25 lition, repairing, altering, painting, cleaning or pointing of a build-
26 ing or structure provided such contractor obtains a certificate of
27 completion from a training program on work and job site safety training

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

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1 which shall include proper planning, supervision, training and use of
2 fall protection. Such training program shall be approved by the commis-
3 sioner. A list of approved programs shall be made available to such
4 contractors. The commissioner shall promulgate rules and regulations
5 setting forth the criteria for approval of such programs, the procedures
6 to be followed in applying for such approval and any other rules or
7 regulations as shall be necessary and proper to effectuate the purposes
8 of this section. The certificate of completion shall be valid for a
9 period of two years.

10 § 2. The tax law is amended by adding a new section 23-a to read as
11 follows:

12 § 23-a. Building construction, demolition and repair work insurance
13 credit.

14 (a) Allowance of credit; general. A taxpayer subject to tax under
15 article nine, nine-A or twenty-two of this chapter shall be allowed a
16 credit against such tax, pursuant to the provisions referenced in subdi-
17 vision (b) of this section. The amount of such credit shall be equal to
18 the lesser of ten thousand dollars or twenty-five percent of the premi-
19 ums paid for coverage as determined by the superintendent of financial
20 services pursuant to section thirty-four hundred sixty-three of the
21 insurance law.

22 (b) Cross references. For application of the credit provided for in
23 this section, see the following provisions of this chapter:

24 (1) Article 9: Section 187-s;

25 (2) Article 9-A: Section 210-B, subdivision 61; and

26 (3) Article 22: Section 606, subdivision (qqq).

27 § 3. The tax law is amended by adding a new section 187-s to read as
28 follows:

29 § 187-s. Building construction, demolition and repair work insurance
30 credit. 1. Allowance of credit. A taxpayer shall be allowed a credit, to
31 be computed as provided in section twenty-three-a of this chapter,
32 against the taxes imposed by section one hundred eighty-three and one
33 hundred eighty-four of this article. Provided, however, that the amount
34 of such credit allowable against the tax imposed by section one hundred
35 eighty-four shall be the excess of the amount of such credit over the
36 amount of any credit allowed by this section against the tax imposed by
37 section one hundred eighty-three of this article.

38 2. Application of this article. In no event shall the credit under
39 this section be allowed in an amount which will reduce the tax payable
40 less than the applicable minimum tax fixed by section one hundred eight-
41 y-three of this article. If, however, the amount of credit allowable
42 under this section for any taxable year reduces the tax to such amount,
43 any amount of credit not deductible in such taxable year shall be treat-
44 ed as an overpayment of tax to be refunded in accordance with the
45 provisions of section one thousand eighty-six of this chapter. Provided,
46 however, notwithstanding the provisions of subsection (c) of section one
47 thousand eighty-eight of this chapter, no interest shall be paid there-
48 on.

49 § 4. Section 210-B of the tax law is amended by adding a new subdivi-
50 sion 61 to read as follows:

51 61. Building construction, demolition and repair work insurance cred-
52 it. (a) Allowance of credit. A taxpayer shall be allowed a credit, to
53 be computed as provided in section twenty-three-a of this chapter,
54 against the tax imposed by this article.

55 (b) Application of credit. The credit allowed under this subdivision
56 for any taxable year shall not reduce the tax due for such year to less

1 than the fixed dollar minimum amount prescribed in paragraph (d) of
2 subdivision one of section two hundred ten of this article. However, if
3 the amount of credits allowed under this subdivision of any taxable year
4 reduces the tax to such amount or if the taxpayer otherwise pays tax
5 based on the fixed dollar minimum amount, any amount of credit thus not
6 deductible in such taxable year shall be treated as an overpayment of
7 tax to be credited or refunded in accordance with the provisions of
8 section one thousand eighty-six of this chapter. Provided, however,
9 notwithstanding the provisions of subdivision (c) of section one thou-
10 sand eighty-eight of this chapter, no interest shall be paid thereon.

11 § 5. Section 606 of the tax law is amended by adding a new subsection
12 (qqq) to read as follows:

13 (qqq) Building construction, demolition and repair work insurance
14 credit. (1) Allowance of credit. A taxpayer shall be allowed a credit,
15 to be computed as provided in section twenty-three-a of this chapter,
16 against the tax imposed by this article.

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

23 § 6. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.