STATE OF NEW YORK

8888

IN ASSEMBLY

January 26, 2024

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

AN ACT to amend the tax law, in relation to requiring medallion agents to manage payments of the congestion surcharge

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

Section 1. Subdivision (a) of section 1299-b of the tax law, as amended by section 3 of part R of chapter 59 of the laws of 2021, is amended to read as follows:

(a) Notwithstanding any provision of law to the contrary, any person that dispatches a motor vehicle by any means that provides transportation that is subject to a surcharge imposed by this article, including transportation network companies as defined in article forty-four-B of the vehicle and traffic law, shall be liable for the surcharge imposed by this article**, except where agents licensed by the taxi and limousine commission are authorized on behalf of medallion owners to manage the medallions and/or make payments of the surcharge as laid out in article twenty-nine-A of this chapter, such agents are solely liable for making these payments absent a good faith dispute of the amount owed. Where agents licensed by the taxi and limousine commission are authorized on behalf of medallion owners to manage the medallions and/or make payments of the metropolitan transportation authority improvement zone surcharge such agents are entitled to make batch payments of all medallions managed with an accounting of each medallion trip represented in the batch payment**, except that in the case of taxicab trips and HAIL vehicle trips that are also subject to tax pursuant to article twenty-nine-A of this chapter:

(1) [~~a~~] **A** TSP that collected the trip record and trip fare shall withhold from daily collections the surcharges due on such trips, and shall withhold from such collections the surcharges due on cash trips. If the TSP's daily collections, after retaining any fees to which it is entitled pursuant to a contract with such taxicab owner or HAIL vehicle owner, are insufficient to cover the surcharges due on such cash trips, the TSP shall withhold an amount from subsequent daily collections, to

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

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the extent funds are available, until all surcharges due for a monthly period have been withheld. If a TSP is unable to withhold all the surcharges due in a monthly period, it shall withhold such unwithheld surcharges from daily collections in the next monthly period. A TSP shall be jointly liable for the surcharge imposed by this article for all trips for which the TSP collected the trip record, but shall be relieved of liability for any surcharges attributable to cash trips for which it was unable to withhold the surcharges because there were insufficient daily collections during twelve successive monthly periods.

(2) The TSP shall be responsible for filing monthly returns reporting the surcharges due on all trips for which it collected trip records, shall remit the surcharges withheld on all such trips and shall report any unwithheld surcharges due because of insufficient daily collections to cover the tax due on cash trips. For purposes of this section, the terms "taxicab trips," "HAIL vehicle trips," "taxicab owner," "HAIL base,""TSP" and "cash trip" shall have the same meaning as they do in section twelve hundred eighty of this chapter.

§ 2. This act shall take effect immediately.