

STATE OF NEW YORK

9116--A

IN ASSEMBLY

February 7, 2024

Introduced by M. of A. RIVERA -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to authorizing the election of qualified transportation fringe benefits

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 50 to read
2 as follows:

3 § 50. Election of qualified transportation fringe benefits. (a) Definitions. For the purposes of this section, the following terms shall
4 have the following meanings:

5 (1) "bikesharing arrangements" means a rental operation at which bicycles, as defined in section one hundred two of the vehicle and traffic
6 law; bicycles with electric assist, as defined in section one hundred
7 two-c of the vehicle and traffic law; or electric scooters, as defined
8 in section one hundred fourteen-e of the vehicle and traffic law, are
9 made available to pick up and drop off for point-to-point use within a
10 defined geographic area;

11 (2) "employer" means an entity, including but not limited to a corpo-
12 ration, nonprofit organization, partnership, joint venture, common trust
13 fund, limited association, pool or working agreement, local government,
14 or limited liability company, that employs three or more persons in this
15 state;

16 (3) "local government" means the same as such term is defined in
17 section three hundred eight of the real property tax law;

18 (4) "qualified transportation fringe benefits" means:

19 (A) any qualified transportation fringe benefit as that term is
20 defined in 26 U.S.C. § 132(f);

21 (B) TNC prearranged trips, as defined in section sixteen hundred nine-
22 ty-one of the vehicle and traffic law, or rides provided by bikesharing
23 arrangements or ridesharing arrangements for use by an employee in trav-
24 eling between the employee's residence, the employee's place of employ-
25 -
26 -

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

LBD14349-02-4

1 ment, or a mass transit facility that connects the employee to the
2 employee's residence or place of employment; or

3 (C) membership in any transportation network company, ridesharing, or
4 bikesharing membership program;

5 (5) "ridesharing" means the vehicular transportation of passengers
6 traveling together primarily to and from such passengers' places of
7 business or work or traveling together on a regularly scheduled basis
8 with a commonality of purposes if the vehicle used in such transporta-
9 tion is not operated for profit by an entity primarily engaged in the
10 transportation business and if no charge is made therefore other than
11 that reasonably calculated to recover the direct and indirect costs of
12 the "ridesharing arrangement", including, but not limited to, a reason-
13 able incentive to maximize occupancy of the vehicle. "Ridesharing" shall
14 include "ridesharing arrangements" commonly known as carpools and
15 vanpools, but shall not include school transportation vehicles operated
16 by elementary and secondary schools when they are operated for the
17 transportation of children to or from school or on school-related
18 events.

19 (b) Election of qualified transportation fringe benefits in lieu of
20 taxable dollar compensation for certain employees. For taxable years
21 beginning on and after January first, two thousand twenty-five, any
22 employer may offer employees the opportunity to use pre-tax earnings for
23 the purchase of qualified transportation fringe benefits.

24 (c) Rules and regulations. The department may promulgate rules and
25 regulations necessary to implement and administer this section.

26 § 2. This act shall take effect immediately and shall apply to taxable
27 years beginning on and after January 1, 2025.