

# STATE OF NEW YORK

8120

## IN SENATE

January 8, 2024

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

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

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

22 (1) [~~a~~] A TSP that collected the trip record and trip fare shall with-  
23 hold from daily collections the surcharges due on such trips, and shall  
24 withhold from such collections the surcharges due on cash trips. If the  
25 TSP's daily collections, after retaining any fees to which it is enti-  
26 tled pursuant to a contract with such taxicab owner or HAIL vehicle  
27 owner, are insufficient to cover the surcharges due on such cash trips,

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

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1 the TSP shall withhold an amount from subsequent daily collections, to  
2 the extent funds are available, until all surcharges due for a monthly  
3 period have been withheld. If a TSP is unable to withhold all the  
4 surcharges due in a monthly period, it shall withhold such withheld  
5 surcharges from daily collections in the next monthly period. A TSP  
6 shall be jointly liable for the surcharge imposed by this article for  
7 all trips for which the TSP collected the trip record, but shall be  
8 relieved of liability for any surcharges attributable to cash trips for  
9 which it was unable to withhold the surcharges because there were insuf-  
10 ficient daily collections during twelve successive monthly periods.

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

19 § 2. This act shall take effect immediately.