

# STATE OF NEW YORK

164

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. HOYLMAN -- 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 and the state finance law, in relation to the transfer of funds into the metropolitan transportation authority aid trust account and the public transportation system operating assistance account

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

1 Section 1. Paragraph 10 of subdivision (c) of section 1105 of the tax  
2 law, as added by section 2 of part U-1 of chapter 57 of the laws of  
3 2009, is amended to read as follows:

4 (10) Transportation service, whether or not any tangible personal  
5 property is transferred in conjunction therewith, and regardless of  
6 whether the charge is paid in this state or out of state so long as the  
7 service is provided in this state. For purposes of this section, trans-  
8 portation service shall include services provided by transportation  
9 network companies.

10 § 2. Subdivision 6 of section 92-ff of the state finance law is  
11 amended by adding a new paragraph (c) to read as follows:

12 (c) The comptroller is hereby authorized and directed to transfer from  
13 the general fund for deposit into the metropolitan transportation  
14 authority aid trust account, on or before March thirty-first of each  
15 year, an amount equal to the following:

16 (i) For the state fiscal year ending March thirty-first, two thousand  
17 twenty-three, ten million dollars;

18 (ii) In each succeeding state fiscal year, the transfer shall ensure  
19 that the metropolitan transportation authority aid trust account  
20 receives a sum equal to fifty percent of gross receipts of state sales  
21 and compensating use taxes collected pursuant to section eleven hundred

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

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1 five of the tax law for transportation services provided by transporta-  
2 tion network companies originating in any of the twelve counties that  
3 comprise the metropolitan transportation commuter district established  
4 pursuant to section twelve hundred sixty-two of the public authorities  
5 law, in addition to the receipts collected under section twelve hundred  
6 eighty-one of the tax law. Provided, however, that if the aggregate  
7 amount of revenues retained by the metropolitan transportation authority  
8 pursuant to paragraph ten of subdivision (c) of section eleven hundred  
9 five of the tax law and section twelve hundred eighty-one of the tax law  
10 is less than eighty-five million dollars, then the comptroller shall  
11 increase the percentage of state sales and compensating use taxes  
12 retained by the metropolitan transportation authority until it retains  
13 no less than eighty-five million dollars for the state fiscal year  
14 ending March thirty-first, two thousand twenty-four. Further, the comp-  
15 troller shall increase the level of transfer from the general fund for  
16 subsequent state fiscal years to an amount equal to the product of the  
17 aggregate amount discussed in the previous sentence and one plus the  
18 consumer cost change factor. For purposes of this subparagraph, the  
19 consumer cost change factor is the percentage of change of the national  
20 consumer cost index for the most recent twelve month period relative to  
21 the previous twelve month period.

22 § 3. Subdivision 5 of section 88-a of the state finance law is amended  
23 by adding a new paragraph (d) to read as follows:

24 (d) The comptroller is hereby authorized and directed to transfer  
25 fifty percent of the gross receipts of state sales and compensating use  
26 taxes collected pursuant to section eleven hundred five of the tax law  
27 on transportation services provided by transportation network companies  
28 originating outside the metropolitan transportation commuter district to  
29 the public transportation system operating assistance account estab-  
30 lished under this subdivision. These transfers shall not be included for  
31 purposes of calculating the sales tax growth factor established in para-  
32 graph (c) of this subdivision, and shall supplement the additional  
33 transfers indexed to the sales tax growth factor required under this  
34 subdivision. Transfers provided under this paragraph shall not be used  
35 to offset reduced transfers under paragraph (c) of this subdivision.

36 § 4. This act shall take effect immediately.