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:

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

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

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

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

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

(ii) In each succeeding state fiscal year, the transfer shall ensure that the metropolitan transportation authority aid trust account receives a sum equal to fifty percent of gross receipts of state sales 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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five of the tax law for transportation services provided by transportation network companies originating in any of the twelve counties that comprise the metropolitan transportation commuter district established pursuant to section twelve hundred sixty-two of the public authorities law, in addition to the receipts collected under section twelve hundred eighty-one of the tax law. Provided, however, that if the aggregate amount of revenues retained by the metropolitan transportation authority pursuant to paragraph ten of subdivision (c) of section eleven hundred five of the tax law and section twelve hundred eighty-one of the tax law is less than eighty-five million dollars, then the comptroller shall increase the percentage of state sales and compensating use taxes retained by the metropolitan transportation authority until it retains no less than eighty-five million dollars for the state fiscal year ending March thirty-first, two thousand twenty-four. Further, the comptroller shall increase the level of transfer from the general fund for subsequent state fiscal years to an amount equal to the product of the aggregate amount discussed in the previous sentence and one plus the consumer cost change factor. For purposes of this subparagraph, the consumer cost change factor is the percentage of change of the national consumer cost index for the most recent twelve month period relative to the previous twelve month period.

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

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

§ 4. This act shall take effect immediately.