

STATE OF NEW YORK

4823

2025-2026 Regular Sessions

IN ASSEMBLY

February 6, 2025

Introduced by M. of A. MANKTELOW, HAWLEY, McDONOUGH, MILLER, SMULLEN, BRABENEC, DeSTEFANO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to exempting certain motor vehicles, parts and services therefor and railroad rolling stock, parts and services therefor from the sales and use tax imposed by the state

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

1 Section 1. Paragraph 3 of subdivision (c) of section 1105 of the tax
2 law is amended by adding two new subparagraphs (xii) and (xiii) to read
3 as follows:

4 (xii) such services rendered with respect to the maintenance and
5 repair of railroad and rolling stock, parts thereof and the structural
6 components of the railroad as defined in paragraph forty-eight of subdi-
7 vision (a) of section eleven hundred fifteen of this article.

8 (xiii) such services rendered with respect to the maintenance and
9 repair of motor vehicles and the parts thereof as defined in paragraph
10 forty-seven of subdivision (a) of section eleven hundred fifteen of this
11 article.

12 § 2. Clause 1 of subdivision (b) of section 1107 of the tax law, as
13 amended by chapter 472 of the laws of 2000, is amended to read as
14 follows:

15 (1) The exemptions provided for in paragraphs forty-seven and forty-
16 eight of subdivision (a) and subdivision (c) of section eleven hundred
17 fifteen of this article and the exceptions provided for in subparagraphs
18 (xii) and (xiii) of paragraph three of subdivision (c) of section eleven
19 hundred five of this part shall not apply to fuel, gas, electricity,
20 refrigeration and steam, and gas, electric, refrigeration and steam
21 service of whatever nature for use or consumption directly and exclu-
22 sively in the production of gas, electricity, refrigeration or steam.

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

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1 § 3. Subdivision (b) of section 1108 of the tax law is amended by
2 adding a new paragraph 6 to read as follows:

3 (6) The exemptions provided for in paragraphs forty-seven and forty-
4 eight of subdivision (a) of section eleven hundred fifteen of this arti-
5 cle and the exceptions provided for in subparagraphs (xii) and (xiii) of
6 paragraph three of subdivision (c) of section eleven hundred five of
7 this part shall not apply.

8 § 4. Subdivision (a) of section 1109 of the tax law, as amended by
9 section 3 of part J of chapter 59 of the laws of 2021, is amended to
10 read as follows:

11 (a) General. In addition to the taxes imposed by sections eleven
12 hundred five and eleven hundred ten of this [~~article~~] part, there is
13 hereby imposed within the territorial limits of the metropolitan commu-
14 ter transportation district created and established pursuant to section
15 twelve hundred sixty-two of the public authorities law, and there shall
16 be paid, additional taxes, at the rate of three-eighths of one percent,
17 which shall be identical to the taxes imposed by sections eleven hundred
18 five and eleven hundred ten of this [~~article~~] part, except that with
19 respect to the tax imposed by this section the exemptions provided for
20 in paragraphs forty-seven and forty-eight of subdivision (a) of section
21 eleven hundred fifteen of this article and the exceptions provided for
22 in subparagraphs (xii) and (xiii) of paragraph three of subdivision (c)
23 of section eleven hundred five of this part shall not apply. Such
24 sections eleven hundred five and eleven hundred ten and the other
25 sections of this article, including the definition and the other
26 exemption provisions, shall apply for purposes of the taxes imposed by
27 this section in the same manner and with the same force and effect as if
28 the language of those sections had been incorporated in full into this
29 section and had expressly referred to the taxes imposed by this section.
30 Notwithstanding the foregoing, the tax imposed by this section shall not
31 apply to admissions to race tracks or simulcast facilities.

32 § 5. Subdivision (a) of section 1115 of the tax law is amended by
33 adding two new paragraphs 47 and 48 to read as follows:

34 (47) Motor vehicles as defined in subdivision two of section five
35 hundred one of this chapter whether purchased or leased and parts there-
36 of and the services rendered with respect to the maintenance of such
37 motor vehicles and parts.

38 (48) Railroad rolling stock whether purchased or leased by a railroad
39 which is engaged in intrastate or interstate commerce, parts thereof,
40 structural components relating to the right of way of the railroad,
41 services rendered with respect to the maintenance of such vehicles,
42 parts and structural components. The term "structural components" shall
43 include but is not limited to rail, bridges, crossing arms and traffic
44 signals.

45 § 6. The opening paragraph of paragraph 1 of subdivision (a) of
46 section 1210 of the tax law, as amended by section 5 of part J of chap-
47 ter 59 of the laws of 2021, is amended to read as follows:

48 Either, all of the taxes described in article twenty-eight of this
49 chapter, at the same uniform rate, as to which taxes all provisions of
50 the local laws, ordinances or resolutions imposing such taxes shall be
51 identical, except as to rate and except as otherwise provided, with the
52 corresponding provisions in such article twenty-eight, including the
53 definition and exemption provisions of such article, except the
54 exemptions provided for in paragraphs forty-seven and forty-eight of
55 subdivision (a) of section eleven hundred fifteen of this chapter and
56 the exceptions provided for in subparagraphs (xii) and (xiii) of para-

1 graph three of subdivision (c) of section eleven hundred five of this
2 chapter shall not apply so far as the provisions of such article twen-
3 ty-eight can be made applicable to the taxes imposed by such city or
4 county and with such limitations and special provisions as are set forth
5 in this article. The taxes authorized under this subdivision may not be
6 imposed by a city or county unless the local law, ordinance or resol-
7 ution imposes such taxes so as to include all portions and all types of
8 receipts, charges or rents, subject to state tax under sections eleven
9 hundred five and eleven hundred ten of this chapter, except as otherwise
10 provided. Notwithstanding the foregoing, a tax imposed by a city or
11 county authorized under this subdivision shall not include the tax
12 imposed on charges for admission to race tracks and simulcast facilities
13 under subdivision (f) of section eleven hundred five of this chapter.

14 § 7. This act shall take effect December 1, 2025; provided, however,
15 that the exemptions and exceptions provided for in sections one through
16 six of this act shall apply to retail sales or uses occurring on and
17 after January 1, 2026.