STATE OF NEW YORK

5891--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. R. CARROLL, WILLIAMS, SIMON, BICHOTTE HERMELYN, ROSENTHAL, SEAWRIGHT -- 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 establishing a tax on noise emissions from non-essential helicopter and seaplane flights in cities with a population of one million or more

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

Section 1. The tax law is amended by adding a new article 12-B to read as follows:

ARTICLE 12-B
NOISE TAX ON NON-ESSENTIAL
HELICOPTER AND SEAPLANE FLIGHTS

§ 289-g. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Helicopter" means an aircraft, the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

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

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2. "Helicopter or seaplane operator" means a person or entity which conducts non-essential helicopter or seaplane flights within a city with a population of one million or more within New York state.

3. "Seaplane" means any aircraft defined or classified as such by federal law, rule or regulation.

4. "Non-essential flight" means a flight made by a helicopter or seaplane that originates and terminates within New York state, with the origination or termination being within a city with a population of one million or more within New York state, other than those conducted:

(a) for purposes of heavy-lift operations in support of construction and infrastructure maintenance;

(b) for purposes of public health and safety, including law enforcement, emergency response, disaster response, the provision of medical services, and providing other services; or

(c) for the benefit of the general public, including flights carried out for research or for official purposes by a news organization.

5. "Quiet aircraft" means a helicopter or seaplane of a model that has been certified as meeting the threshold to be classified as a quiet aircraft as per section two hundred eighty-nine-j of this article.

§ 289-h. Imposition of the noise tax on non-essential helicopter and seaplane flights. In addition to any other tax or assessment imposed by this chapter or any other law, there is hereby imposed beginning January first, two thousand twenty-five a noise tax on non-essential seaplane and helicopter flights at the rate of fifty dollars per seat ticket or two hundred dollars per flight, whichever is greater.

§ 289-i. Liability for the tax. Any non-essential helicopter or seaplane flight is subject to the tax imposed by this article. The tax imposed by this section shall not be imposed on any helicopter or seaplane flights if such imposition is superseded by federal law or regulation.

§ 289-j. Exemptions from the tax. 1. Any non-essential helicopter or seaplane flight conducted using a quiet aircraft is exempted from the tax imposed by section two hundred eighty-nine-h of this article.

2. The department, in consultation with the department of transportation shall create a registry of models of helicopters and seaplanes that will be defined as quiet aircraft for the purposes of this article. Such registry shall be established by January first, two thousand twenty-seven, and shall be updated no less than every two years.

3. For a helicopter or seaplane model to be considered to be a quiet aircraft, the aircraft must be electric powered and, (a) for helicopters, create at least ten decibels less of noise, as measured under the procedures of Appendix H of 14 CFR Part 36, as a helicopter that would meet the GCNP Quiet Aircraft Technology Designation established by 14 CFR Appendix A to Subpart U of Part 93, or any federal limits on noise from helicopters enacted that are more strict than the GCNP Quiet Aircraft Technology Designation and (b) for seaplanes, create at least ten decibels less of noise, as measured under the procedures of Appendix G of 14 CFR Part 36, than a seaplane would make to comply with the stage 5 noise levels adopted under 14 CFR Parts 36 and 91, which are equal to the levels established under International Civil Aviation Organization (ICAO) Chapter 14 of Annex 16, Volume I, or any federal limits on noise from seaplanes enacted that are more strict than the stage 5 noise levels.

§ 289-k. Payment and returns. 1. Every helicopter and seaplane operator shall file a return quarterly with the commissioner. Provided, however, that if the commissioner in the exercise of their discretion deems it necessary to protect the revenues to be obtained under this article, such commissioner may give notice requiring such operator, in addition to filing a quarterly return, to file either short-form or long-form part-quarterly returns, as specified in such notice. For purposes of this article the term "long-form, part-quarterly return" shall mean a return in a form determined by the commissioner providing for the calculation of the actual taxes for the preceding month. For purposes of this article the term "short-form, part-quarterly return" shall mean a return which shall be available for use in filing as a return for the first two months of any quarter and only by a person required to file a return monthly who has had at least four successive quarterly tax periods immediately preceding the month for which the return is to be filed and who elects such use, and is in a form determined by the commissioner and providing for the calculation of one-third of the total taxes paid by the person to the commissioner in the comparable quarter of the immediately preceding year under this article.

2. The returns and information returns required by this section to be filed quarterly shall be filed for quarterly periods ending on the last day of February, May, August and November of each year, and each return and each information return shall be filed within twenty days after the end of the quarterly period covered thereby. The returns required by this section to be filed monthly shall be filed for monthly periods ending on the last day of each month and each return shall be filed within twenty days after the end of each prior month. The information returns required to be filed annually shall be filed for twelve-month periods ending on the last day of May of each year, and each such information return shall be filed within twenty days after the end of the twelve-month period covered thereby.

3. The tax commission may permit or require returns to be made covering other periods and upon such dates as it may specify. If the tax commission deems it necessary in order to ensure the payment of the taxes imposed by this article, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing subdivisions of this section, and upon such dates as it may specify.

4. The form of returns shall be prescribed by the tax commission and shall contain such information as it may deem necessary for the proper administration of this article. The commission may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

5. In addition to any other penalty or interest provided for under this article or other law, and unless it is shown that such failure is due to reasonable cause and not due to willful neglect, any person liable for the tax imposed by this article that fails to pay such tax when due shall be liable for a penalty in an amount equal to four hundred percent of the total tax amount that is due.

§ 289-l. Records to be kept. Every operator liable for the surcharge imposed by this article shall keep, and shall make available for review upon demand by the commissioner:

1. records of helicopter and seaplane flights undertaken by such operator;

2. total amount of taxes collected under this article;

3. any information required by the department by rule or regulation;

4. true and complete copies of any records required to be kept by any applicable regulatory department or agency; and

5. such other records and information as the commissioner may require to perform their duties under this article.

§ 289-m. Secrecy of returns and reports. 1. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the department, any person engaged or retained by the department on an independent contract basis, or any person who in any manner may acquire knowledge of the contents of a return or report filed with the commissioner pursuant to this article, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The officers charged with the custody of such returns and reports shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the commissioner in an action or proceeding under the provisions of this chapter, or in any other action or proceeding involving the collection of a surcharge due under this chapter to which the state, the commissioner or an agency that is authorized to permit or regulate the provision of any relevant transportation is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this article, when the returns or the reports or the facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the division of tax appeals, may require the production of, and may admit in evidence so much of said returns or reports or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed, however, to prohibit the commissioner, in their discretion, from allowing the inspection or delivery of a certified copy of any return or report filed under this article, or from providing any information contained in any such return or report, by or to a duly authorized officer or employee of the comptroller; nor to prohibit the inspection or delivery of a certified copy of any return or report filed under this article, or the provision of any information contained therein, by or to the attorney general or other legal representatives of the state when an action shall have been recommended or commenced pursuant to this chapter in which such returns or reports or the facts shown thereby are directly involved; nor to prohibit the commissioner from providing or certifying to the division of budget or the comptroller the total number of returns or reports filed under this article in any reporting period and the total collections received therefrom; nor to prohibit the delivery to a person liable for the tax imposed by this article, or a duly authorized representative of such, a certified copy of any return or report filed by such person pursuant to this article, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof; nor to prohibit the disclosure, in such manner as the commissioner deems appropriate, of the names and other appropriate identifying information of those persons required to pay the tax imposed by this article.

2. Notwithstanding the provisions of subdivision one of this section, the commissioner may permit the secretary of the treasury of the United States or such secretary's delegate, or the authorized representative of either such officer, to inspect any return filed under this article, or may furnish to such officer or such officer's authorized representative an abstract of any such return or supply such person with information concerning an item contained in any such return, or disclosed by any investigation of liability under this article, but such permission shall be granted or such information furnished only if the laws of the United States grant substantially similar privileges to the commissioner or

officer of this state charged with the administration of the tax imposed by this article, and only if such information is to be used for purposes of tax administration only; and provided further the commissioner may furnish to the commissioner of internal revenue or such commissioner's authorized representative such returns filed under this article and other tax information, as such commissioner may consider proper, for use in court actions or proceedings under the internal revenue code, whether civil or criminal, where a written request therefor has been made to the commissioner by the secretary of the treasury of the United States or such secretary's delegate, provided the laws of the United States grant substantially similar powers to the secretary of the treasury of the United States or their delegate. Where the commissioner has so authorized use of returns and other information in such actions or proceedings, officers and employees of the department may testify in such actions or proceedings in respect to such returns or other information.

3. (a) Any officer or employee of the state who willfully violates the provisions of subdivision one of this section shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

(b) Cross-reference: For criminal penalties, see article thirty-seven of this chapter.

4. (a) Notwithstanding the provisions of subdivision one of this section, upon written request from the chairperson of the committee on ways and means of the United States House of Representatives, the chairperson of the committee on finance of the United States Senate, or the chairperson of the joint committee on taxation of the United States Congress, the commissioner shall furnish such committee with any current or prior year returns specified in such request that were filed under this article by the president of the United States, vice-president of the United States, member of the United States Congress representing New York state, or any person who served in or was employed by the executive branch of the government of the United States on the executive staff of the president, in the executive office of the president, or in an acting or confirmed capacity in a position subject to confirmation by the United States Senate; or, in New York state: a statewide elected official, as defined in paragraph (a) of subdivision one of section seventy-three-a of the public officers law; a state officer or employee, as defined in subparagraph (i) of paragraph (c) of subdivision one of such section seventy-three-a; a political party chairperson, as defined in paragraph (h) of subdivision one of such section seventy-three-a; a local elected official, as defined in subdivisions one and two of section eight hundred ten of the general municipal law; a person appointed, pursuant to law, to serve due to vacancy or otherwise in the position of a local elected official, as defined in subdivisions one and two of section eight hundred ten of the general municipal law; a member of the state legislature; or a judge or justice of the unified court system; or filed by a partnership, firm, association, corporation, joint-stock company, trust or similar entity directly or indirectly controlled by any individual listed in this paragraph, whether by contract, through ownership or control of a majority interest in such entity, or otherwise, or filed by a partnership, firm, association, corporation, joint-stock company, trust or similar entity of which any individual listed in this paragraph holds ten percent or more of the voting securities of such entity; provided however that, prior to furnishing any return, the commissioner shall redact any copy of a

federal return (or portion thereof) attached to, or any information on a federal return that is reflected on, such return, and any social security numbers, account numbers and residential address information.

(b) No returns shall be furnished pursuant to this subdivision unless the chairperson of the requesting committee certifies in writing that such returns have been requested related to, and in furtherance of, a legitimate task of the Congress, that the requesting committee has made a written request to the United States secretary of the treasury for related federal returns or reports or return or report information, pursuant to 26 U.S.C. Section 6103(f), and that if such requested returns are inspected by and/or submitted to another committee, to the United States House of Representatives, or to the United States Senate, then such inspection and/or submission shall occur in a manner consistent with federal law as informed by the requirements and procedures established in 26 U.S.C. Section 6103(f).

§ 289-n. Practice and procedure. The provisions of article twenty-seven of this chapter shall apply with respect to the administration of and procedure with respect to the tax imposed by this article in the same manner and with the same force and effect as if the language of such article twenty-seven had been incorporated in full into this article and had expressly referred to the surcharge imposed by this article, except to the extent that any such provision is either inconsistent with a provision of this article or is not relevant to this article.

§ 289-o. Deposit and disposition of revenue. All funds collected under this article shall be deposited into the environmental protection fund established by section ninety-two-s of the state finance law.

§ 2. This act shall take effect immediately.