

A03678 Text:

STATE OF NEW YORK

3678

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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 Assem-
bly, 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
5 the maintenance and
6 repair of railroad and rolling stock, parts
7 thereof and the structural
8 components of the railroad as defined in paragraph
9 forty-eight of subdi-
10 vision (a) of section eleven hundred fifteen of
11 this article.

12 (xiii) such services rendered with respect to
13 the maintenance and
14 repair of motor vehicles and the parts thereof as
15 defined in paragraph
16 forty-seven of subdivision (a) of section eleven
17 hundred fifteen of this
18 article.

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

22 (1) The exemptions provided for in paragraphs
23 forty-seven and forty-
24 eight of subdivision (a) and subdivision (c) of
25 section eleven hundred
26 fifteen of this article and the exceptions provided
27 for in subparagraphs
28 (xii) and (xiii) of paragraph three of subdivision
29 (c) of section eleven
30 hundred five of this part shall not apply to
31 fuel, gas, electricity,
32 refrigeration and steam, and gas, electric,
33 refrigeration and steam
34 service of whatever nature for use or consumption
35 directly and exclu-
36 sively in the production of gas, electricity,
37 refrigeration or steam.

EXPLANATION--Matter in italics (underscored) is
new; matter in brackets

[-] is old law to be omitted.

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
25 hundred ten and the other
26 sections of this article, including the
27 definition and the other
28 exemption provisions, shall apply for purposes of
29 the taxes imposed by
30 this section in the same manner and with the same
31 force and effect as if
32 the language of those sections had been
33 incorporated in full into this
34 section and had expressly referred to the taxes
35 imposed by this section.
36 Notwithstanding the foregoing, the tax imposed by
37 this section shall not
38 apply to admissions to race tracks or simulcast
39 facilities.
40 § 5. Subdivision (a) of section 1115 of the
41 tax law is amended by
42 adding two new paragraphs 47 and 48 to read as
43 follows:
44 (47) Motor vehicles as defined in subdivision
45 two of section five
46 hundred one of this chapter whether purchased or
47 leased and parts there-
48 of and the services rendered with respect to
49 the maintenance of such
50 motor vehicles and parts.
51 (48) Railroad rolling stock whether purchased or
52 leased by a railroad
53 which is engaged in intrastate or interstate
54 commerce, parts thereof,
55 structural components relating to the right of
56 way of the railroad,
57 services rendered with respect to the
58 maintenance of such vehicles,
59 parts and structural components. The term
60 "structural components" shall
61 include but is not limited to rail, bridges,
62 crossing arms and traffic
63 signals.
64 § 6. The opening paragraph of paragraph 1 of
65 subdivision (a) of
66 section 1210 of the tax law, as amended by section
67 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
20 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-

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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,
2023; 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, 2024.