

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the tax law and the state finance law, in relation to the fees associated with a certificate of registration and decal imposed by article 21 of the tax law for certain vehicles operating on public highways in New York state (Part KK);

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

1

PART KK

2 Section 1. Paragraphs a and b of subdivision 1 of section 502 of the
3 tax law, paragraph a as amended by section 1 of part E of chapter 60 of
4 the laws of 2007, and paragraph b as amended by section 1 of part T-1 of
5 chapter 57 of the laws of 2009, are amended to read as follows:

6 a. Each carrier shall apply to the commissioner for a certificate of
7 registration for each motor vehicle operated or to be operated by [him]
8 such carrier on the public highways in this state. Application shall be
9 made upon a form prescribed by such commissioner and shall set forth the
10 gross and unloaded weight of each motor vehicle, license plate informa-
11 tion for each motor vehicle and such other information as the commis-
12 sioner may require. Such weights shall be subject to audit and approval
13 by the commissioner. [The application shall be accompanied by a fee of
14 fifteen dollars for each motor vehicle listed in the application.] The
15 commissioner shall issue [without further charge] a certificate of
16 registration for each motor vehicle or a consolidated certificate of
17 registration for all or any portion of such vehicles of such carrier

1 which shall contain such information and be in such form as the commis-
2 sioner shall prescribe. In the case of the loss, mutilation or
3 destruction of a certificate of registration, the commissioner shall
4 issue a duplicate thereof [upon payment of a fee of two dollars]. Any
5 such certificate of registration shall not be transferable, except as
6 hereinafter provided, and shall be valid until revoked, suspended or
7 surrendered. Such certificate of registration shall be maintained in the
8 carrier's regular place of business. In the event of an increase in the
9 gross or unloaded weight of any motor vehicle subject to this article,
10 application for a corrected certificate of registration shall be made
11 upon a form prescribed by such commissioner setting forth the previous
12 gross or unloaded weight, the new gross or unloaded weight and such
13 other information as the commissioner may require. In the event of a
14 decrease in the gross or unloaded weight of any motor vehicle subject to
15 this article, application may be made for a corrected certificate of
16 registration in a similar manner, provided that any such application on
17 the basis of a decrease in the gross or unloaded weight of any motor
18 vehicle may be made only during the month of January. In the event of a
19 decrease in the gross or unloaded weight of any motor vehicle subject to
20 this article, an application to cancel a certificate of registration on
21 the basis of such decrease may be made during any month. The corrected
22 gross or unloaded weight shall be subject to audit and approval by the
23 commissioner. In the event of a change to the license plate information
24 of any motor vehicle subject to this article, an application for a
25 corrected certificate of registration shall be made upon a form
26 prescribed by the commissioner setting forth the previous license plate
27 information, the new license plate information and such other informa-
28 tion as the commissioner may require. Upon surrendering the certificate

1 of registration previously issued, the commissioner shall[, without
2 further charge,] issue a corrected certificate of registration.

3 b. Every automotive fuel carrier shall apply to the commissioner for a
4 special certificate of registration, in place of the certificate of
5 registration described in paragraph a of this subdivision, for each
6 motor vehicle operated or to be operated by [him] such carrier on the
7 public highways in this state to transport automotive fuel. Provided,
8 however, a special certificate of registration shall not be required
9 under this paragraph for a tractor or other self-propelled device which,
10 except with respect to the fuel in the ordinary fuel tank intended for
11 its propulsion, transports automotive fuel solely by means of a trailer,
12 dolly or other device drawn by such tractor or other self-propelled
13 device if a certificate of registration prescribed by paragraph a of
14 this subdivision has been issued for the self-propelled device. Applica-
15 tion shall be made upon an application form prescribed by the commis-
16 sioner. [The application shall be accompanied by a fee of fifteen
17 dollars for each trailer, semi-trailer, dolly or other device listed in
18 the application.] The commissioner shall issue [without further charge]
19 such special certificate of registration for each motor vehicle listed
20 in the application or a consolidated certificate of registration for all
21 or any portion of such vehicles of such carrier. All of the provisions
22 of this article with respect to certificates of registration shall be
23 applicable to the special certificates of registration issued to automo-
24 tive fuel carriers under this paragraph as if those provisions had been
25 set forth in full in this paragraph and expressly referred to the
26 special certificates of registration required by this paragraph except
27 to the extent that any such provision is either inconsistent with a
28 provision of this paragraph or not relevant to the certificates of

1 registration required by this paragraph. Any certificate of registration
2 shall not be transferable, and shall be valid until revoked, suspended
3 or surrendered. Such special certificate of registration shall be main-
4 tained in the carrier's regular place of business. Nothing contained in
5 this paragraph shall in any way exempt an automotive fuel carrier from
6 payment of the taxes imposed pursuant to this article.

7 § 2. Paragraphs a and b of subdivision 6 of section 502 of the tax
8 law, as added by section 1 of part K-1 of chapter 57 of the laws of
9 2009, are amended to read as follows:

10 a. The commissioner may require the use of decals as evidence that a
11 carrier has a valid certificate of registration for each motor vehicle
12 operated or to be operated on the public highways of this state as
13 required by paragraph a of subdivision one of this section. If the
14 commissioner requires the use of decals, the commissioner shall issue
15 for each motor vehicle with a valid certificate of registration a decal
16 that shall be of a size and design and containing such information as
17 the commissioner prescribes. [The fee for any decal issued pursuant to
18 this paragraph is four dollars.] In the case of the loss, mutilation, or
19 destruction of a decal, the commissioner shall issue a new decal upon
20 proof of the facts [and payment of four dollars]. The decal shall be
21 firmly and conspicuously affixed upon the motor vehicle for which it is
22 issued as closely as practical to the registration or license plates and
23 at all times be visible and legible. No decal is transferable. A decal
24 shall be valid until it expires or is revoked, suspended, or surren-
25 dered.

26 b. The commissioner may require the use of special decals as evidence
27 that an automotive fuel carrier has a valid special certificate of
28 registration for each motor vehicle operated or to be operated on the

1 public highways of this state to transport automotive fuel as required
2 by paragraph b of subdivision one of this section. If the commissioner
3 requires the use of special decals, the commissioner shall issue for
4 each motor vehicle with a valid special certificate of registration a
5 special decal that shall be distinctively colored and of a size and
6 design and containing such information as the commissioner prescribes.
7 [The fee for any special decal issued pursuant to this paragraph is four
8 dollars.] In the case of the loss, mutilation, or destruction of a
9 special decal, the commissioner shall issue a new special decal upon
10 proof of the facts [and payment of four dollars]. The special decal
11 shall be firmly and conspicuously affixed upon the motor vehicle for
12 which it is issued pursuant to the rules and regulations prescribed by
13 the commissioner to enable the easy identification of the automotive
14 fuel carrier certificate of registration number and at all times be
15 visible and legible. No special decal is transferable and shall be valid
16 until it expires or is revoked, suspended, or surrendered.

17 § 3. The tax law is amended by adding a new section 502-a to read as
18 follows:

19 § 502-a. Certificate of registration and decal fees. The application
20 for a certificate of registration and decal described in paragraph a of
21 subdivision one and paragraph a of subdivision six of section five
22 hundred two of this article, or a special certificate of registration
23 and special decal as described in paragraph b of subdivision one and
24 paragraph b of subdivision six of such section, shall be accompanied by
25 a fee of one dollar and fifty cents. In the case of the loss, mutila-
26 tion or destruction of any such documents, the commissioner shall issue
27 a duplicate set thereof upon payment of a fee of one dollar and fifty
28 cents. Provided, however, there shall be no additional charge for the

1 issuance of a corrected certificate of registration pursuant to para-
2 graph a of subdivision one of section five hundred two of this article.

3 § 4. Subdivision 8 of section 509 of the tax law, as separately
4 amended by section 3 of part K-1 and section 2 of part T-1 of chapter 57
5 of the laws of 2009, is amended to read as follows:

6 8. To issue replacement certificates of registration or decals at such
7 times as the commissioner may deem necessary for the proper and effi-
8 cient enforcement of the provisions of this article, but not more often
9 than once every year and to require the surrender of the then outstand-
10 ing certificates of registration and decals. All of the provisions of
11 this article with respect to certificates of registration and decals
12 shall be applicable to replacement certificates of registration and
13 decals issued hereunder, except that the replacement certificate of
14 registration or decal shall be issued upon payment of a fee of [fifteen
15 dollars] one dollar and fifty cents for each motor vehicle and for any
16 trailer, semi-trailer, dolly or other device drawn thereby for which a
17 certificate of registration or decal is required to be issued under this
18 article;

19 § 5. Section 515 of the tax law, as added by chapter 329 of the laws
20 of 1991, is amended to read as follows:

21 § 515. Disposition of revenues. All taxes, interest, penalties and
22 fees collected or received pursuant to this article shall be deposited
23 daily in one account with such responsible banks, banking houses or
24 trust companies as may be designated by the comptroller, and to the
25 credit of the comptroller on account of the dedicated highway and bridge
26 trust fund established pursuant to section eighty-nine-b of the state
27 finance law. Such an account may be established in one or more of such
28 depositories and such deposits shall be kept separate and apart from all

1 other moneys in the possession of the comptroller. The comptroller shall
2 require adequate security from all such depositories.

3 Of the revenues so deposited, the comptroller shall retain in his
4 hands such amount as the commissioner of taxation and finance may deter-
5 mine to be necessary for refunds or reimbursements of the taxes
6 collected or received pursuant to this article to which taxpayers shall
7 be entitled under the provisions of this article, out of which amount
8 the comptroller shall pay any refunds or reimbursements of the taxes
9 collected or received pursuant to this article to which taxpayers shall
10 be entitled under such provisions. The comptroller, after reserving the
11 amount to pay such refunds or reimbursements, shall, on or before the
12 last day of each month, pay the balance of the revenue so deposited
13 during such month into the dedicated highway and bridge trust fund
14 established pursuant to section eighty-nine-b of the state finance law.

15 Notwithstanding the foregoing or any other law to the contrary, the
16 comptroller shall deposit all monies collected on account of the regis-
17 tration fees imposed pursuant to section five hundred two-a and subdivi-
18 sion eight of section five hundred nine of this article into the highway
19 use tax administration account established pursuant to section ninety-
20 nine-y of the state finance law. The monies deposited in such account
21 shall be available to the commissioner for the costs of issuing the
22 certificates of registration and highway use tax decals required by this
23 article and for any other costs of administering the provisions of
24 sections five hundred two, five hundred two-a and five hundred nine of
25 this article. Any moneys not used in a given year shall be returned to
26 such account and be added to the total funds available for disbursement
27 in the succeeding year.

1 § 6. The state finance law is amended by adding a new section 99-y to
2 read as follows:

3 § 99-y. Highway use tax administration account. 1. There is hereby
4 established in the joint custody of the state comptroller and the
5 commissioner of the department of taxation and finance a special account
6 to be known as the "highway use tax administration account".

7 2. The highway use tax administration account shall consist of all
8 monies collected from the highway use tax registration and decal fees
9 collected pursuant to sections five hundred two-a and five hundred nine
10 of the tax law, and any other monies deposited into the account pursuant
11 to law.

12 3. Monies of the account, following appropriation by the legislature,
13 shall be used for the costs of the commissioner of taxation and finance
14 in administering sections five hundred two, five hundred two-a and five
15 hundred nine of the tax law, and expended for the purposes set forth in
16 section five hundred fifteen of the tax law.

17 § 7. This act shall take effect immediately.