

1979 Amendments to the Tax Law

Article 28

<u>Law Section</u>	<u>Chapter</u>	<u>Section</u>	<u>Brief Summary</u>
1134(a)	231	1	Amendment requiring that the application for a Certificate of Authority be filed at least 20 days prior to: <ul style="list-style-type: none"> a) commencing a business b) purchasing inventory in anticipation of commencing a business, or c) purchasing business assets under a bulk sale transaction.
1145(b)	231	2	Amendment excluding from criminal penalties, those vendors who never commenced business.
1101(d)	470	1	Amendment to define honorary member, exempt honorary memberships from sales tax, and limit the tax on life memberships to the tax due on the amount actually paid for membership.
1105-B	625	1	Adds a section to reduce state tax rates on certain parts, tools, supplies and services related to tangible personal property used or consumed in production.
171 Subdivision 21st	714	1	Grants the right to a hearing upon request, unless such right is granted, modified or denied in another section of the law, with the stipulation that any request for a hearing where tax has been determined due must be made within 90 days of the date of assessment.
171 Subdivision 22nd	714	1	Grants the right to a determination after a hearing, within nine months from the time briefs are submitted or completion of the hearing.
171 Subdivision 23rd	714	1	Grants the right to obtain copies of all hearing determinations and decisions of the Tax Commission for a reasonable fee.
171 Subdivision 24th	714	1	Grants the right to have an advisory opinion, concerning taxes administered by the Tax Commission, rendered within ninety days of receipt of a petition.

<u>Law Section</u>	<u>Chapter</u>	<u>Section</u>	<u>Brief Summary</u>
1138(a)	714	2	Paragraph 2 provides that where an assessment is issued based on an estimate computed from external indices, the notice of determination must contain a statement in bold face type advising the taxpayer of such fact. Paragraph 3 extends to the purchaser in a bulk sale transaction the right to a hearing to review his sales tax liability where it has been determined that the seller owes tax pursuant to section 1141(c). The Tax Commission may redetermine the seller's tax liability accordingly, whether or not such taxes have been finally and irrevocably fixed.
1138(d)	714	3	Adds a new subdivision providing that: 1) the Tax Commission may not issue a jeopardy assessment against a bulk sale purchaser. 2) a bulk sale purchaser is not entitled to sign a consent, fixing the tax finally and irrevocably, prior to the ninety day period allowed for filing a hearing application.
1139(a)	714	4	Amendment extending to the purchaser in a bulk sale transaction the right to file for a credit or refund of tax determined to be due from the seller and paid by the purchaser. The right to a hearing upon denial of a credit or refund application applies to the purchaser in a bulk sale transaction.
1145(a)(1)	714	5	Amendment requiring the remission of all penalty, and that portion of the interest which is above the minimum, when it is determined by the Commission that the delay or failure to file or pay the tax due is for reasonable cause and not willful neglect.
1146(a)	714	6	Amendment to the secrecy provisions, granting a purchaser in a bulk sale transaction access to that portion of a return or report which contains information pertinent to the determination of the purchaser's tax liability.
<u>Article 29</u>			
1212-A	211	1	Amendment to extend for one year, September 1, 1979 through August 31, 1980, the right of New York City to impose tax on certain selected services. Based on such authorization, New York City enacted local laws extending the 4% tax imposed on credit rating and credit reporting services, and protective and detective services.