

## SUBSTANCE OF THE RULE

### DEPARTMENT OF TAXATION AND FINANCE

Tax Law Article 29-C mandates the payment of a surcharge, effective January 1, 2019, on the provision of certain intrastate for-hire transportation that begins in, ends in, or passes through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96<sup>th</sup> Street (the “congestion zone”). The provisions of Article 29-C require, among other things, that persons liable for the congestion surcharge register with the Commissioner of Taxation and Finance and keep records of the transportation they are responsible for.

This rule adds a new Subchapter E (section 700.1 through section 700.4) to Chapter IV of Title 20 NYCRR. Section 700.1 contains definitions that are applicable throughout Subchapter E, while section 700.2 reflects the imposition of the congestion surcharge. Section 700.3 sets forth registration and renewal requirements (including the payment of fees) for persons liable for the surcharge. Finally, section 700.4 identifies the types of records and information that must be kept, how they must be kept and transmitted, and who is responsible for keeping them (i.e., persons liable for the congestion surcharge).

The rule is being readopted as an emergency measure to avoid a gap in effectiveness between the date on which the previously adopted emergency rule expires and the date on which the rule becomes effective as a permanent measure, when published in the State Register. The text of the permanent rule is identical to that of the previously adopted emergency rules.