

STATEMENT IN LIEU OF A JOB IMPACT STATEMENT

DEPARTMENT OF TAXATION AND FINANCE

As a result of the enactment of Chapter 61 of the Laws of 2005, this rule is being proposed to make permanent the longstanding special requirements prescribed in Part 538 of the Sales and Use Taxes Regulations with respect to certain parking facility operators that provide parking services in New York County (Manhattan). Part R of Chapter 61 made permanent the longstanding enforcement provisions, including the directive to promulgate the special requirements of Part 538, that are set forth in section 1142-A of the Tax Law with respect to such parking facility operators. These provisions originally became effective on December 1, 1992, and were to sunset first in 1995 and then again in 1999 and in 2004; however, they were extended in 1995 and 1999 and were made permanent by Chapter 61 when it was signed by the Governor on April 12, 2005.

Since these provisions and special requirements have been consistently extended to ensure proper compliance with the collection of sales tax on parking services in Manhattan and prevent noncompliant parking facility operators from gaining competitive advantages over compliant ones, it was a reasonable expectation that they would again be extended or eventually made permanent. The purpose of this rule is merely to implement Part R of Chapter 61 and reflect such permanence. Therefore, a Job Impact Statement is not being submitted with the rule because it is evident that the rule itself will have no impact on jobs and employment opportunities other than that which has existed for all of the years that the special requirements have been in effect.