

**THE CITY OF NEW YORK
DEPARTMENT OF FINANCE**

NOTICE OF RULEMAKING

Pursuant to the power vested in me as Commissioner of Finance by sections 389(b) and 1043 of the New York City Charter and section 11-2052(b) of the Administrative Code of the City of New York, I hereby promulgate the within amendments to the Rules Relating to the Additional 8% Parking Tax.

/S/Alfred C. Cerullo, III
Commissioner of Finance

Dated: October 2, 1998

Section 1. The definition of "motor vehicle" contained in section 19-01 of the Rules of the City of New York promulgated August 26, 1985 and last amended June 10, 1991 is hereby amended to read as follows:

Motor vehicle. "Motor vehicle" means a motor vehicle registered by an individual resident pursuant to the vehicle and traffic law at the address of his or her primary residence in New York County or, in the case of a leased vehicle, registered pursuant to the vehicle and traffic law and leased to an individual resident at the address of his or her primary residence in New York County, and, in either case, which is not used in carrying on any trade, business or commercial activity. The term includes passenger and suburban vehicles, trucks, motorcycles and recreational vehicles.

Examples:

Example 1: A passenger motor vehicle which is owned and used by an individual resident for family or personal use, and for traveling to and from his or her place of employment, but not used in carrying on a trade, business or other commercial activity, may qualify for exemption.

Example 2: A delivery van used in carrying on the individual's trade or business does not qualify for exemption.

Example 3: A passenger motor vehicle leased for three years by an individual resident from a leasing company located in Kings County and registered pursuant to the vehicle and traffic law in the name of the leasing company at the address of the leasing company in Kings County will qualify for exemption provided the lease shows the address of the individual resident's primary residence in New York County and the vehicle is not used in the individual resident's trade or business.

Example 4: A passenger motor vehicle leased for three years by an individual resident from a leasing company located in New Jersey and registered in New Jersey in the name of the leasing company does not qualify for exemption because the vehicle is not registered pursuant to the vehicle and traffic law which requires a vehicle operated in New York State by a resident to be registered in New York State.

§2. Subdivision b of section 19-02 of such rules is hereby amended to read as follows:

(b) An exemption certificate will be issued when services are rendered on a monthly or longer term basis at the principal location for the parking, garaging or storing of a motor vehicle owned by an individual resident and registered at his or her primary residence in the County of New York or leased for a term of one year or more by an individual resident and registered pursuant to the vehicle and traffic law.

BASIS AND PURPOSE OF AMENDMENTS

These amendments amend the Rules Relating to Exemption from the Additional 8% Parking Tax for Residents of New York County to reflect the extension of the exemption to receipts on or after December 1, 1996 for the parking of vehicles leased under long-term leases by Local Law 74 of 1996.

/S/Alfred C. Cerullo, III
Commissioner of Finance