

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
BILL NO. 3024

By: Hickman of the House

3  
4 and

Mazzei of the Senate

5  
6  
7 An Act relating to revenue and taxation; amending 68  
8 O.S. 2001, Section 2357.22, as last amended by  
9 Section 1, Chapter 308, O.S.L. 2009 (68 O.S. Supp.  
10 2009, Section 2357.22), which relates to electric  
11 vehicle tax credits; defining terms; creating credit  
12 for certain low-speed electric vehicles; modifying  
13 definition; limiting amount of credits; prohibiting  
14 repeated claim of credit; prohibiting claim of credit  
15 for used vehicles; providing for reduction of certain  
16 tax credits in certain circumstances; and declaring  
17 an emergency.

14 AUTHORS: Add the following Senate Coauthors: Stanislawski  
and Paddack

15 AMENDMENT NO. 1. Strike the title, enacting clause, and  
16 entire bill and insert

17 "[ revenue and taxation - income tax -  
18 emergency ]

19  
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 68 O.S. 2001, Section 2357.22, as  
22 last amended by Section 1, Chapter 308, O.S.L. 2009 (68 O.S. Supp.  
23 2009, Section 2357.22), is amended to read as follows:  
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1 Section 2357.22 A. For tax years beginning before January 1,  
2 2015, there shall be allowed a one-time credit against the income  
3 tax imposed by Section 2355 of this title ~~for~~:

4 1. For investments in qualified clean-burning motor vehicle  
5 fuel property placed in service after December 31, 1990~~;~~ and ~~for~~

6 2. For investments in qualified electric motor vehicle property  
7 placed in service after December 31, 1995 and ending upon the  
8 effective date of this act.

9 B. As used in this section, "qualified clean-burning motor  
10 vehicle fuel property" means:

11 1. Equipment installed to modify a motor vehicle which is  
12 propelled by gasoline or diesel fuel so that the vehicle may be  
13 propelled by a hydrogen fuel cell, compressed natural gas, liquefied  
14 natural gas or liquefied petroleum gas. The equipment covered by  
15 this paragraph must be new and must not have been previously used to  
16 modify or retrofit any vehicle propelled by gasoline or diesel fuel;

17 2. A motor vehicle originally equipped so that the vehicle may  
18 be propelled by a hydrogen fuel cell, compressed natural gas,  
19 liquefied natural gas or liquefied petroleum gas but only to the  
20 extent of the portion of the basis of such motor vehicle which is  
21 attributable to the storage of such fuel, the delivery to the engine  
22 of such motor vehicle of such fuel, and the exhaust of gases from  
23 combustion of such fuel;

24

1 3. Property, not including a building and its structural  
2 components, which is:

3 a. directly related to the delivery of compressed natural  
4 gas, liquefied natural gas or liquefied petroleum gas,  
5 or hydrogen, for commercial purposes or for a fee or  
6 charge, into the fuel tank of a motor vehicle  
7 propelled by such fuel including compression equipment  
8 and storage tanks for such fuel at the point where  
9 such fuel is so delivered but only if such property is  
10 not used to deliver such fuel into any other type of  
11 storage tank or receptacle and such fuel is not used  
12 for any purpose other than to propel a motor vehicle,  
13 or

14 b. a metered-for-fee, public access recharging system for  
15 motor vehicles propelled in whole or in part by  
16 electricity. The property covered by this paragraph  
17 must be new, and must not have been previously  
18 installed or used to refuel vehicles powered by  
19 compressed natural gas, liquefied natural gas or  
20 liquefied petroleum gas, hydrogen or electricity; or

21 4. Property which is directly related to the compression and  
22 delivery of natural gas from a private home or residence, for  
23 noncommercial purposes, into the fuel tank of a motor vehicle  
24 propelled by compressed natural gas. The property covered by this

1 paragraph must be new and must not have been previously installed or  
2 used to refuel vehicles powered by natural gas.

3 C. As used in this section, "qualified electric motor vehicle  
4 property" means a motor vehicle originally equipped to be propelled  
5 only by electricity; provided, if a motor vehicle is also equipped  
6 with an internal combustion engine, then such vehicle shall be  
7 considered "qualified electric motor vehicle property" only to the  
8 extent of the portion of the basis of such motor vehicle which is  
9 attributable to the propulsion of the vehicle by electricity. The  
10 term "qualified electric motor vehicle property" shall not apply to  
11 vehicles known as "golf carts", "go-carts" and other motor vehicles  
12 which are manufactured principally for use off the streets and  
13 highways.

14 D. As used in this section, "motor vehicle" means a motor  
15 vehicle originally designed by the manufacturer to operate lawfully  
16 and principally on streets and highways.

17 E. The credit provided for in subsection A of this section  
18 shall be as follows:

19 1. For the qualified clean-burning motor vehicle fuel property  
20 defined in paragraph 1 or 2 of subsection B of this section and for  
21 the qualified electric motor vehicle property, fifty percent (50%)  
22 of the cost of the qualified clean-burning motor vehicle fuel  
23 property or qualified electric motor vehicle property;

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1           2. For qualified clean-burning motor vehicle fuel property  
2 defined in paragraph 3 of subsection B of this section, a per-  
3 location credit of seventy-five percent (75%) of the cost of the  
4 qualified clean-burning motor vehicle fuel property; and

5           3. For qualified clean-burning motor vehicle fuel property  
6 defined in paragraph 4 of subsection B of this section, a per-  
7 location credit of the lesser of fifty percent (50%) of the cost of  
8 the qualified clean-burning motor vehicle fuel property or Two  
9 Thousand Five Hundred Dollars (\$2,500.00).

10          F. In cases where no credit has been claimed pursuant to  
11 paragraph 1 of subsection E of this section by any prior owner and  
12 in which a motor vehicle is purchased by a taxpayer with qualified  
13 clean-burning motor vehicle fuel property or qualified electric  
14 motor vehicle property installed by the manufacturer of such motor  
15 vehicle and the taxpayer is unable or elects not to determine the  
16 exact basis which is attributable to such property, the taxpayer may  
17 claim a credit in an amount not exceeding the lesser of ten percent  
18 (10%) of the cost of the motor vehicle or One Thousand Five Hundred  
19 Dollars (\$1,500.00).

20          G. If the tax credit allowed pursuant to subsection A of this  
21 section exceeds the amount of income taxes due or if there are no  
22 state income taxes due on the income of the taxpayer, the amount of  
23 the credit not used as an offset against the income taxes of a  
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1 taxable year may be carried forward as a credit against subsequent  
2 income tax liability for a period not to exceed five (5) years.

3 H. A husband and wife who file separate returns for a taxable  
4 year in which they could have filed a joint return may each claim  
5 only one-half (1/2) of the tax credit that would have been allowed  
6 for a joint return.

7 I. The Oklahoma Tax Commission is herein empowered to  
8 promulgate rules by which the purpose of this section shall be  
9 administered, including the power to establish and enforce penalties  
10 for violations thereof.

11 SECTION 2. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval."

15 Passed the Senate the 20th day of April, 2010.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

20 2010.

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Presiding Officer of the House  
of Representatives

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