

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1949 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Chris Benge

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1949

By: Bengé

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to revenue and taxation; amending 68  
9 O.S. 2001, Section 2357.22, as amended by Section 1,  
10 Chapter 126, O.S.L. 2008 (68 O.S. Supp. 2008, Section  
11 2357.22), which relates to tax credits for certain  
12 qualified property; extending duration of credit;  
13 providing credits for qualified hydraulic hybrid  
14 motor vehicle property; modifying definitions;  
15 specifying amount of credits; modifying carryover  
16 period; allowing for promulgation of rules; and  
17 providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 68 O.S. 2001, Section 2357.22, as  
20 amended by Section 1, Chapter 126, O.S.L. 2008 (68 O.S. Supp. 2008,  
21 Section 2357.22), is amended to read as follows:

22 Section 2357.22 A. For tax years beginning before January 1,  
23 ~~2010~~ 2015, there shall be allowed a one-time credit against the  
24 income tax imposed by Section 2355 of this title for investments in  
qualified clean-burning motor vehicle fuel property placed in  
service after December 31, 1990, and for investments in qualified  
electric motor vehicle property placed in service after December 31,

1 1995, and for investments in qualified hydraulic hybrid vehicle  
2 property placed in service after December 31, 2000.

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

5 1. ~~Equipment~~ EPA-certified equipment installed to modify a  
6 motor vehicle which is propelled by gasoline or diesel fuel so that  
7 the vehicle may be propelled by ~~methanol, "M-85" which is a mixture~~  
8 ~~of methanol and gasoline containing at least eighty five percent~~  
9 ~~(85%) methanol,~~ a hydrogen fuel cell, compressed natural gas,  
10 liquefied natural gas or liquefied petroleum gas ~~or a combination of~~  
11 ~~at least fifty percent (50%) natural gas.~~ The EPA-certified  
12 equipment covered by this paragraph must be new and must not have  
13 been previously used to modify or retrofit any vehicle propelled by  
14 gasoline or diesel fuel;

15 2. A motor vehicle originally equipped so that the vehicle may  
16 be propelled by a hydrogen fuel cell, compressed natural gas,  
17 liquefied natural gas or liquefied petroleum gas, ~~or propelled by~~  
18 ~~methanol or "M-85"~~ but only to the extent of the portion of the  
19 basis of such motor vehicle which is attributable to the storage of  
20 such fuel, the delivery to the engine of such motor vehicle of such  
21 fuel, and the exhaust of gases from combustion of such fuel; ~~or~~

22 3. Property, not including a building and its structural  
23 components, which is:

24

1           a. directly related to the delivery of methanol, "~~M-85~~",  
2           compressed natural gas, liquefied natural gas or  
3           liquefied petroleum gas, or hydrogen, for commercial  
4           purposes or for a fee or charge, into the fuel tank of  
5           a motor vehicle propelled by such fuel including  
6           compression equipment and storage tanks for such fuel  
7           at the point where such fuel is so delivered but only  
8           if such property is not used to deliver such fuel into  
9           any other type of storage tank or receptacle and such  
10          fuel is not used for any purpose other than to propel  
11          a motor vehicle ~~However, property which is directly~~  
12          ~~related to the delivery of methanol or "M-85" into the~~  
13          ~~fuel tank of a motor vehicle propelled by such fuel as~~  
14          ~~provided in this paragraph shall be used solely for~~  
15          ~~the purpose of delivering methanol or "M-85" and no~~  
16          ~~other purpose in order to claim the tax credit~~  
17          ~~pursuant to this section. If the property is used for~~  
18          ~~any other purpose than the delivery of methanol or "M-~~  
19          ~~85", the tax credit shall immediately be refunded to~~  
20          ~~the Oklahoma Tax Commission. The Corporation~~  
21          ~~Commission shall inspect the property to determine~~  
22          ~~whether the property is being used for the delivery of~~  
23          ~~methanol or "M-85", or~~

1           b. a metered-for-fee, public access recharging system for  
2           motor vehicles propelled in whole or in part by  
3           electricity. The property covered by this paragraph  
4           must be new, and must not have been previously  
5           installed or used to refuel vehicles powered by  
6           compressed natural gas, liquefied natural gas or  
7           liquefied petroleum gas, hydrogen or electricity; or

8           4. Property which is directly related to the compression and  
9           delivery of natural gas from a private home or residence, for  
10           noncommercial purposes, into the fuel tank of a motor vehicle  
11           propelled by compressed natural gas. The property covered by this  
12           paragraph must be new, and must not have been previously installed  
13           or used to refuel vehicles powered by natural gas.

14           C. As used in this section, "qualified electric motor vehicle  
15           property" means a motor vehicle originally equipped to be propelled  
16           only by electricity ~~to the extent of the full purchase price of the~~  
17           ~~vehicle~~; provided, if a motor vehicle is also equipped with an  
18           internal combustion engine, then such vehicle shall be considered  
19           "qualified electric motor vehicle property" only to the extent of  
20           the portion of the basis of such motor vehicle which is attributable  
21           to the propulsion of the vehicle by electricity. The term  
22           "qualified electric motor vehicle property" shall not apply to  
23           vehicles known as "golf carts," "go-carts" and other motor vehicles

1 which are manufactured principally for use off the streets and  
2 highways.

3 D. As used in this section, "qualified hydraulic hybrid motor  
4 vehicle property" means a motor vehicle originally equipped with a  
5 hydraulic hybrid power train designed to propel in part the motor  
6 vehicle but only to the extent of the portion of the basis of such  
7 motor vehicle which is attributable to the propulsion of the vehicle  
8 by a hydraulic hybrid power train.

9 E. As used in this section, "motor vehicle" means a motor  
10 vehicle originally designed by the manufacturer to operate lawfully  
11 and principally on streets and highways.

12 F. The credit provided for in subsection A of this section  
13 shall be as follows:

14 1. For the qualified clean-burning motor vehicle fuel property  
15 defined in paragraph 1 or 2 of subsection B of this section and for  
16 the qualified electric motor vehicle property, fifty percent (50%)  
17 of the cost of the qualified clean-burning motor vehicle fuel  
18 property or qualified electric motor vehicle property;

19 2. For the qualified hydraulic hybrid motor vehicle property  
20 defined in subsection D of this section fifty percent (50%) of the  
21 cost of the qualified hydraulic hybrid motor vehicle property not to  
22 exceed the following:

23 a. for a motor vehicle having a Gross Vehicle Weight  
24 Rating (GVWR) of eight thousand five hundred (8,500)

1           pounds or less, the credit shall not exceed the amount  
2           of Six Thousand Dollars (\$6,000.00),

3           b. for a motor vehicle having a manufacturer Gross  
4           Vehicle Weight Rating (GVWR) of eight thousand five  
5           hundred one (8,501) pounds to twenty-six thousand  
6           (26,000) pounds, the credit shall not exceed the  
7           amount of Eight Thousand Dollars (\$8,000.00), and

8           c. for a motor vehicle having a manufacturer Gross  
9           Vehicle Weight Rating (GVWR) of twenty-six thousand  
10           one (26,001) pounds or above, the credit shall not  
11           exceed the amount of Fifteen Thousand Dollars  
12           (\$15,000.00);

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

17           4. For qualified clean-burning motor vehicle fuel property  
18           defined in paragraph 4 of subsection B of this section, a per-  
19           location credit of the lesser of fifty percent (50%) of the cost of  
20           the qualified clean-burning motor vehicle fuel property or Two  
21           Thousand Five Hundred Dollars (\$2,500.00).

22           E. G. In cases where no credit has been claimed pursuant to  
23           paragraph 1 of subsection D F of this section by any prior owner and  
24           in which a motor vehicle is purchased by a taxpayer with qualified

1 clean-burning motor vehicle fuel property or qualified electric  
2 motor vehicle property installed by the manufacturer of such motor  
3 vehicle and the taxpayer is unable or elects not to determine the  
4 exact basis which is attributable to such property, the taxpayer may  
5 claim a credit in an amount not exceeding the lesser of ten percent  
6 (10%) of the cost of the motor vehicle or One Thousand Five Hundred  
7 Dollars (\$1,500.00);

8 H. In cases where no credit has been claimed pursuant to  
9 paragraph 2 of subsection F of this section by any prior owner and  
10 in which a motor vehicle is purchased by a taxpayer with qualified  
11 hydraulic hybrid motor vehicle property originally installed by the  
12 manufacturer of such motor vehicle and the taxpayer is unable or  
13 elects not to determine the exact basis which is attributable to  
14 such property, the taxpayer may claim a credit in an amount not  
15 exceeding the lesser of ten percent (10%) of the cost of the motor  
16 vehicle or the following amounts:

17 1. For a motor vehicle having a manufacturer Gross Vehicle  
18 Weight Rating (GVWR) of eight thousand five hundred (8,500) pounds  
19 or less, the credit shall be One Thousand Five Hundred Dollars  
20 (\$1,500.00);

21 2. For a motor vehicle having a manufacturer Gross Vehicle  
22 Weight Rating (GVWR) of eight thousand five hundred one (8,501)  
23 pounds to twenty-six thousand (26,000) pounds, the credit shall be  
24 Two Thousand Dollars (\$2,000.00); and

1        3. For a motor vehicle having a manufacturer Gross Vehicle  
2 Weight Rating (GVWR) of twenty-six thousand one (26,001) pounds or  
3 above, the credit shall be Three Thousand Dollars (\$3,000.00).

4        ~~F.~~ I. If the tax credit allowed pursuant to subsection A of  
5 this section exceeds the amount of income taxes due or if there are  
6 no state income taxes due on the income of the taxpayer, the amount  
7 of the credit not used as an offset against the income taxes of a  
8 taxable year may be carried forward as a credit against subsequent  
9 income tax liability for a period not to exceed ~~three (3)~~ five (5)  
10 years.

11        ~~G.~~ J. A husband and wife who file separate returns for a  
12 taxable year in which they could have filed a joint return may each  
13 claim only one-half (1/2) of the tax credit that would have been  
14 allowed for a joint return.

15        K. The Oklahoma Tax Commission is herein empowered to  
16 promulgate rules by which the purpose of this section shall be  
17 administered, including the power to establish and enforce penalties  
18 for violations thereof.

19        SECTION 2. This act shall become effective January 1, 2010.

20  
21        52-1-6819            CJB            02/12/09  
22  
23  
24