

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3024 _____
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

Adopted: _____

Amendment submitted by: Jeff Hickman

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3024

By: Bengé

7 PROPOSED COMMITTEE SUBSTITUTE

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

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

16 SECTION 1. AMENDATORY 68 O.S. 2001, Section 2357.22, as
17 last amended by Section 1, Chapter 308, O.S.L. 2009 (68 O.S. Supp.
18 2009, Section 2357.22), is amended to read as follows:

19 Section 2357.22 A. As used in this section:

20 1. "Motor vehicle" means a motor vehicle originally designed by
21 the manufacturer to operate lawfully and principally on streets and
22 highways;

23 2. "Medium-speed electrical motor vehicle" means any self-
24 propelled, electrically powered four-wheeled motor vehicle, equipped

1 with a roll cage or crush-proof body design, whose speed attainable
2 in one (1) mile is more than thirty (30) miles per hour but not
3 greater than thirty-five (35) miles per hour; and

4 3. "Qualified low-speed electric motor vehicle" means a new
5 four-wheeled electrical vehicle that is powered by an electric motor
6 that draws current from rechargeable storage batteries or other
7 sources of electrical current and whose top speed is greater than
8 twenty (20) miles per hour but not greater than twenty-five (25)
9 miles per hour and is manufactured in compliance with the National
10 Highway Traffic Safety Administration standards for low-speed
11 vehicles in 49 C.F.R. 571.500. In order to be eligible the vehicle
12 must also be street legal in Oklahoma and eligible to be tagged in
13 this state.

14 B. For tax years beginning before January 1, 2015, there shall
15 be allowed a one-time credit against the income tax imposed by
16 Section 2355 of this title for investments in qualified clean-
17 burning motor vehicle fuel property placed in service after December
18 31, 1990, ~~and~~ for investments in qualified electric motor vehicle
19 property placed in service after December 31, 1995, and for
20 investments in a qualified low-speed electric motor vehicle placed
21 into service after December 31, 2009.

22 C. As used in this section, "qualified clean-burning motor
23 vehicle fuel property" means:

24

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

7 2. A motor vehicle originally equipped so that the vehicle may
8 be propelled by a hydrogen fuel cell, compressed natural gas,
9 liquefied natural gas or liquefied petroleum gas but only to the
10 extent of the portion of the basis of such motor vehicle which is
11 attributable to the storage of such fuel, the delivery to the engine
12 of such motor vehicle of such fuel, and the exhaust of gases from
13 combustion of such fuel;

14 3. Property, not including a building and its structural
15 components, which is:

- 16 a. directly related to the delivery of compressed natural
17 gas, liquefied natural gas or liquefied petroleum gas,
18 or hydrogen, for commercial purposes or for a fee or
19 charge, into the fuel tank of a motor vehicle
20 propelled by such fuel including compression equipment
21 and storage tanks for such fuel at the point where
22 such fuel is so delivered but only if such property is
23 not used to deliver such fuel into any other type of
24 storage tank or receptacle and such fuel is not used

1 for any purpose other than to propel a motor vehicle,
2 or

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

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

16 ~~C.~~ D. As used in this section, "qualified electric motor
17 vehicle property" means a new motor vehicle or new medium-speed
18 electric motor vehicle originally equipped to be propelled only by
19 electricity; provided, if a motor vehicle is also equipped with an
20 internal combustion engine, then such vehicle shall be considered
21 "qualified electric motor vehicle property" only to the extent of
22 the portion of the basis of such motor vehicle which is attributable
23 to the propulsion of the vehicle by electricity. The term
24 "qualified electric motor vehicle property" shall not apply to

1 vehicles known as "low-speed electric vehicles", vehicles known as
2 "golf carts", or to "go-carts" and ~~other~~ motor vehicles which are
3 manufactured principally for use off the streets and highways.

4 ~~D. As used in this section, "motor vehicle" means a motor~~
5 ~~vehicle originally designed by the manufacturer to operate lawfully~~
6 ~~and principally on streets and highways.~~

7 E. The credit provided for in subsection ~~A~~ B of this section
8 shall be as follows:

9 1. ~~For~~

10 a. for the qualified clean-burning motor vehicle fuel
11 property defined in paragraph 1 or 2 of subsection ~~B~~ C
12 of this section ~~and for the qualified electric motor~~
13 ~~vehicle property,~~ fifty percent (50%) of the cost of
14 the qualified clean-burning motor vehicle fuel
15 property ~~or,~~ and

16 b. for qualified electric motor vehicle property the
17 credit claimed by the taxpayer may not exceed the
18 lesser of fifty percent (50%) of the cost of the
19 qualified electric motor vehicle property or Five
20 Thousand Dollars (\$5,000.00);

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

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

6 4. For qualified low-speed electric motor vehicle property
7 defined in paragraph 3 of subsection A of this section a per-vehicle
8 credit of Five Hundred Dollars (\$500.00).

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

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

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

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

9 J. No credit may be claimed pursuant to this section for any
10 used vehicle or any vehicle which has previously been the basis of a
11 credit claimed pursuant to this section.

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

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17 52-2-10118 CJB 02/24/10

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