

CS for SB 461

THE STATE SENATE  
Monday, February 23, 2009

Committee Substitute for  
Senate Bill No. 461

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 461 - By: Nichols of the Senate and Terrill of the House.

[ revenue and taxation - income tax credit - effective date ]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.105 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For tax years beginning on or after January 1, 2010, there shall be allowed a credit against the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes for investment in an alternative motor vehicle if:

- 1. The original use of the vehicle began with the taxpayer;
- 2. The vehicle is a model year 2008 or later or was placed into service after December 31, 2007;
- 3. The vehicle was acquired for personal use or to lease to others and not for resale; and
- 4. The vehicle is used primarily in the United States.

B. As used in this section, "alternative motor vehicle" means a new vehicle that qualifies or originally qualified for a federal tax

1 credit as an advanced lean burn technology vehicle, qualified hybrid  
2 vehicle, qualified alternative fuel vehicle or qualified fuel cell  
3 vehicle as provided in 26 U.S.C., Section 30B.

4 C. Any vehicle which meets the requirements of subsection A of  
5 this section shall qualify for the credit provided in this section  
6 regardless of whether or not the federal credit is claimed by the  
7 taxpayer or the federal credit for a specific vehicle has become  
8 subject to phaseout due to the volume of vehicle sales.

9 D. The credit provided for in subsection A of this section may  
10 only be claimed one time for any alternative motor vehicle.

11 E. The credit provided for in subsection A of this section  
12 shall be equal to One Thousand Five Hundred Dollars (\$1,500.00) per  
13 vehicle.

14 F. If the credit allowed pursuant to this section exceeds the  
15 amount of income taxes due or if there are no state income taxes due  
16 on the income of the taxpayer, the amount of credit allowed but not  
17 used in any taxable year may be carried forward as a credit against  
18 subsequent income tax liability for a period not exceeding four (4)  
19 years following the qualified investment.

20 G. The Oklahoma Tax Commission shall promulgate rules and  
21 establish such procedures as may be necessary to implement this act.

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

23 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-17-09 - DO PASS,  
24 As Amended and Coauthored.