

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2293

By: Wright (John)

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5
6 AS INTRODUCED

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 clean-
11 burning motor fuel property; discontinuing electric
12 car tax credit; and declaring an emergency.

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

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

17 Section 2357.22 A. For tax years beginning before January 1,
18 2015, there shall be allowed a one-time credit against the income
19 tax imposed by Section 2355 of this title for investments in
20 qualified clean-burning motor vehicle fuel property placed in
21 service after December 31, 1990, ~~and for investments in qualified~~
22 ~~electric motor vehicle property placed in service after December 31,~~
23 ~~1995.~~

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

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

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

16 3. Property, not including a building and its structural
17 components, which is+

18 a- directly related to the delivery of compressed natural
19 gas, liquefied natural gas or liquefied petroleum gas,
20 or hydrogen, for commercial purposes or for a fee or
21 charge, into the fuel tank of a motor vehicle
22 propelled by such fuel including compression equipment
23 and storage tanks for such fuel at the point where
24 such fuel is so delivered but only if such property is

1 not used to deliver such fuel into any other type of
2 storage tank or receptacle and such fuel is not used
3 for any purpose other than to propel a motor vehicle,
4 or

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

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

19 C. ~~As used in this section, "qualified electric motor vehicle~~
20 ~~property" means a motor vehicle originally equipped to be propelled~~
21 ~~only by electricity; provided, if a motor vehicle is also equipped~~
22 ~~with an internal combustion engine, then such vehicle shall be~~
23 ~~considered "qualified electric motor vehicle property" only to the~~
24 ~~extent of the portion of the basis of such motor vehicle which is~~

1 ~~attributable to the propulsion of the vehicle by electricity. The~~
2 ~~term "qualified electric motor vehicle property" shall not apply to~~
3 ~~vehicles known as "golf carts," "go carts" and other motor vehicles~~
4 ~~which are manufactured principally for use off the streets and~~
5 ~~highways.~~

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

9 ~~E.~~ D. The credit provided for in subsection A of this section
10 shall be as follows:

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

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

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

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

11 ~~G.~~ F. If the tax credit allowed pursuant to subsection A of
12 this section exceeds the amount of income taxes due or if there are
13 no state income taxes due on the income of the taxpayer, the amount
14 of the credit not used as an offset against the income taxes of a
15 taxable year may be carried forward as a credit against subsequent
16 income tax liability for a period not to exceed five (5) years.

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

21 ~~I.~~ H. The Oklahoma Tax Commission is herein empowered to
22 promulgate rules by which the purpose of this section shall be
23 administered, including the power to establish and enforce penalties
24 for violations thereof.

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

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6 52-2-8688 CJB 12/21/09

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