

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1718 _____
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: Leslie Osborn _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1718

By: Osborn

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to compressed natural gas;
9 authorizing the Corporation Commission to inspect
10 compressed natural gas fueling stations or pumps;
11 allowing the Commission to promulgate rules; amending
12 68 O.S. 2011, Section 2357.22, which relates to
13 credit for investments in qualified clean-burning
14 motor fuel vehicle property; requiring a conversion
15 of motor fuel vehicle property to be done by a
16 certified technician; providing for codification; and
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 348 of Title 52, unless there is
21 created a duplication in numbering, reads as follows:

22 A. The Corporation Commission shall have authority to have
23 access to and inspect any equipment, including compression equipment
24 and storage tanks, practices or methods used by or in association
with any public access compressed natural gas fueling station or
pump.

1 B. The Commission may promulgate rules as necessary to
2 implement the provisions of this section.

3 SECTION 2. AMENDATORY 68 O.S. 2011, Section 2357.22, is
4 amended to read as follows:

5 Section 2357.22 A. For tax years beginning before January 1,
6 2015, there shall be allowed a one-time credit against the income
7 tax imposed by Section 2355 of this title:

8 1. For investments in qualified clean-burning motor vehicle
9 fuel property placed in service after December 31, 1990; and

10 2. For investments in qualified electric motor vehicle property
11 placed in service after December 31, 1995, and before July 1, 2010.

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

14 1. Equipment installed to modify a motor vehicle which is
15 propelled by gasoline or diesel fuel so that the vehicle may be
16 propelled by a hydrogen fuel cell, compressed natural gas, liquefied
17 natural gas or liquefied petroleum gas; provided, equipment
18 installed on a vehicle propelled by a hydrogen fuel cell shall only
19 be eligible for tax year 2010. The equipment covered by this
20 paragraph must:

21 a. be new ~~and must,~~ not ~~have been~~ previously used to
22 modify or retrofit any vehicle propelled by gasoline
23 or diesel fuel and be installed by an alternative
24 fuels equipment technician who is certified in

1 accordance with the Alternative Fuels Technician
2 Certification Act,

3 b. meet all Federal Motor Vehicle Safety Standards set
4 forth in 49 CFR 571, or

5 c. for any commercial motor vehicle (CMV), follow the
6 Federal Motor Carrier Safety Regulations or Oklahoma
7 Intrastate Motor Carrier Regulations;

8 2. A motor vehicle originally equipped so that the vehicle may
9 be propelled by a hydrogen fuel cell, compressed natural gas,
10 liquefied natural gas or liquefied petroleum gas but only to the
11 extent of the portion of the basis of such motor vehicle which is
12 attributable to the storage of such fuel, the delivery to the engine
13 of such motor vehicle of such fuel, and the exhaust of gases from
14 combustion of such fuel. A motor vehicle originally equipped so
15 that the vehicle may be propelled by a hydrogen fuel cell shall only
16 be eligible for tax year 2010;

17 3. Property, not including a building and its structural
18 components, which is:

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

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

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

13 Any property covered by this paragraph which is related to the
14 delivery of hydrogen into the fuel tank of a motor vehicle shall
15 only be eligible for tax year 2010; or

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

22 C. As used in this section, "qualified electric motor vehicle
23 property" means a motor vehicle originally equipped to be propelled
24 only by electricity; provided, if a motor vehicle is also equipped

1 with an internal combustion engine, then such vehicle shall be
2 considered "qualified electric motor vehicle property" only to the
3 extent of the portion of the basis of such motor vehicle which is
4 attributable to the propulsion of the vehicle by electricity. The
5 term "qualified electric motor vehicle property" shall not apply to
6 vehicles known as "golf carts", "go-carts" and other motor vehicles
7 which are manufactured principally for use off the streets and
8 highways.

9 D. 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 E. 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 qualified clean-burning motor vehicle fuel property
20 defined in paragraph 3 of subsection B of this section, a per-
21 location credit of seventy-five percent (75%) of the cost of the
22 qualified clean-burning motor vehicle fuel property; and

23 3. For qualified clean-burning motor vehicle fuel property
24 defined in paragraph 4 of subsection B of this section, a per-

1 location credit of the lesser of fifty percent (50%) of the cost of
2 the qualified clean-burning motor vehicle fuel property or Two
3 Thousand Five Hundred Dollars (\$2,500.00).

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

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

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

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

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

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10 54-1-7006 KB 02/15/13

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