

FIRST REGULAR SESSION

HOUSE BILL NO. 226

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SATER (Sponsor), WALTON, WETER, DOUGHERTY,
LOW (39), DARROUGH, SANDER, DUSENBERG, STORCH, DONNELLY AND AULL (Co-sponsors).

Read 1st time January 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0452L.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for qualified hybrid vehicle purchases.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be
2 known as section 135.640, to read as follows:

135.640. 1. As used in this section, the following terms mean:

2 **(1) "Motor vehicle", any self-propelled vehicle not operated exclusively upon**
3 **tracks, except farm tractors;**

4 **(2) "Qualified hybrid vehicle", any motor vehicle licensed under chapter 301,**
5 **RSMo, and:**

6 **(a) Which is powered primarily by a combination of an electric motor and a**
7 **gasoline-powered engine;**

8 **(b) The original use of which commences with the taxpayer; and**

9 **(c) Which is acquired for use by the taxpayer and not for resale.**

10 **2. For all tax years beginning on or after January 1, 2005, any taxpayer who**
11 **purchases a qualified hybrid vehicle shall be allowed a credit against the tax otherwise due**
12 **under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to**
13 **143.265, RSMo, for the tax year in which the taxpayer purchases the vehicle, in an amount**
14 **equal to two thousand five hundred dollars or ten percent of the purchase price of the**
15 **vehicle, whichever is less.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **3. The tax credit allowed by this section shall be claimed by the qualified taxpayer**
17 **at the time such taxpayer files a return and shall be applied against the income tax liability**
18 **imposed by chapter 143, RSMo, after all other credits provided by law have been applied.**
19 **If the amount of the tax credit exceeds the taxpayer's tax liability, the difference shall not**
20 **be refundable but may be carried forward to any of the taxpayer's four subsequent taxable**
21 **years. The cumulative amount of tax credits which may be claimed by taxpayers claiming**
22 **the credit for purchase of a qualified hybrid vehicle in any one fiscal year shall not exceed**
23 **five million dollars.**

24 **4. The director of revenue shall establish the procedure by which the tax credit in**
25 **this section may be claimed, and shall promulgate rules to implement the provisions of this**
26 **section.**

27 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
28 **that is created under the authority delegated in this section shall become effective only if**
29 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
30 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
31 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
32 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
33 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
34 **adopted after August 28, 2005, shall be invalid and void.**

35 **6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

36 **(1) The provisions of the new program authorized under this section shall**
37 **automatically sunset six years after the effective date of this section unless reauthorized by**
38 **an act of the general assembly; and**

39 **(2) If such program is reauthorized, the program authorized under this section**
40 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
41 **section; and**

42 **(3) This section shall terminate on September first of the calendar year immediately**
43 **following the calendar year in which the program authorized under this section is sunset.**