

# HOUSE BILL NO. 840

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

1734H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for certain alternative fuel refueling properties.

*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 known as section 135.1000, to read as follows:

**135.1000. 1. As used in this section, the following terms mean:**

**(1) "Department", the department of economic development;**

**(2) "Motor vehicle", the same meaning as defined under section 301.010;**

**(3) "Qualified clean-burning motor vehicle fuel property":**

**(a) Equipment installed to modify a motor vehicle that is propelled by gasoline or diesel fuel so that the vehicle may be propelled by a hydrogen fuel cell, compressed natural gas, liquefied natural gas, or liquefied petroleum gas. Such equipment shall:**

**a. Be new and not previously used to modify or retrofit any motor vehicle propelled by gasoline or diesel fuel;**

**b. Meet all federal motor vehicle safety standards provided under 49 CFR 571; and**

**c. For any commercial motor vehicle, meet all federal motor carrier safety regulations provided under 49 CFR 390;**

**(b) A motor vehicle originally equipped so that the vehicle may be propelled by a hydrogen fuel cell, compressed natural gas, liquefied natural gas, or liquefied petroleum gas, but only the portion of such motor vehicle that is attributable to the storage of such fuel, the delivery of such fuel to the engine of the motor vehicle, and the exhaust of gases from combustion of such fuel;**

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.

18 (c) Property, not including a building and its structural components, that is:

19 a. Directly related to the delivery of compressed natural gas, liquefied natural gas,  
20 liquefied petroleum gas, or hydrogen, for commercial purposes or for a fee or charge, into  
21 the fuel tank of a motor vehicle propelled by such fuel, including, but not limited to,  
22 compression equipment and storage tanks for such fuel at the point where such fuel is  
23 delivered, provided such property is not used to deliver such fuel into any other type of  
24 storage tank or receptacle and such fuel is not used for any purpose other than to propel  
25 a motor vehicle; or

26 b. A metered-for-fee, public access recharging system for motor vehicles propelled  
27 in whole or in part by electricity. Such property shall be new and shall not have been  
28 previously installed or used to refuel vehicles powered by compressed natural gas, liquefied  
29 natural gas or liquefied petroleum gas, hydrogen, or electricity; or

30 (d) Property that is directly related to the compression and delivery of natural gas  
31 from a private home or residence, for noncommercial purposes, into the fuel tank of a  
32 motor vehicle propelled by compressed natural gas. Such property shall be new and shall  
33 not have been previously installed or used to refuel vehicles powered by natural gas;

34 (4) "State tax liability", any liability incurred by a taxpayer under the provisions  
35 of chapter 143, exclusive of the provisions relating to the withholding of tax as provided  
36 for in sections 143.191 to 143.265 and related provisions;

37 (5) "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in  
38 an S corporation, doing business in the state of Missouri and subject to the state income  
39 tax imposed by the provisions of chapter 143.

40 2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be  
41 allowed a tax credit against the taxpayer's state tax liability for costs incurred in  
42 purchasing or installing qualified clean-burning motor vehicle fuel property placed in  
43 service after December 31, 2021.

44 3. In order to receive a tax credit under this section, a taxpayer shall apply to the  
45 department on forms to be provided by the department. The tax credit shall be calculated  
46 as follows:

47 (1) For qualified clean-burning motor vehicle fuel property defined in paragraph  
48 (a) or (b) of subdivision (3) of subsection 1 of this section, forty-five percent of the cost of  
49 the qualified clean-burning motor vehicle fuel property;

50 (2) For qualified clean-burning motor vehicle fuel property defined in paragraph  
51 (c) of subdivision (3) of subsection 1 of this section, a per-location credit of seventy-five  
52 percent of the cost of the qualified clean-burning motor vehicle fuel property; and

53           **(3) For qualified clean-burning motor vehicle fuel property defined in paragraph**  
54 **(d) of subdivision (3) of subsection 1 of this section, a per-location credit of the lesser of**  
55 **fifty percent of the cost of the qualified clean-burning motor vehicle fuel property or two**  
56 **thousand five hundred dollars.**

57           **4. If a motor vehicle is purchased by a taxpayer with qualified clean-burning motor**  
58 **vehicle fuel property installed by the manufacturer of such motor vehicle and no credit has**  
59 **been claimed under subdivision (1) of subsection 3 of this section by any prior owner of**  
60 **such vehicle, and if the taxpayer is unable or elects not to determine the exact basis**  
61 **attributable to such property, the taxpayer may claim a credit in an amount not exceeding**  
62 **the lesser of ten percent of the cost of the motor vehicle or one thousand five hundred**  
63 **dollars.**

64           **5. If the tax credit authorized under this section exceeds the taxpayer's state tax**  
65 **liability, the difference shall not be refunded to the taxpayer, but may be carried forward**  
66 **to any subsequent tax year, not to exceed a total of five years.**

67           **6. The department shall promulgate rules to implement the provisions of this**  
68 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
69 **created under the authority delegated in this section shall become effective only if it**  
70 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
71 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
72 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
73 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
74 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**  
75 **shall be invalid and void.**

76           **7. Under section 23.253 of the Missouri sunset act:**

77           **(1) The provisions of the new program authorized under this section shall**  
78 **automatically sunset on December 31, 2027, unless reauthorized by an act of the general**  
79 **assembly;**

80           **(2) If such provisions are reauthorized, the provisions of the program authorized**  
81 **under this section shall automatically sunset twelve years after the effective date of the**  
82 **reauthorization; and**

83           **(3) This section shall terminate on September first of the calendar year immediately**  
84 **following the calendar year in which the provisions of the program authorized under this**  
85 **section are sunset.**

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