

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2481 Session of  
1994

INTRODUCED BY VANCE, CESSAR, MARSICO, GEIST, TRELLO, B. SMITH,  
TULLI, MASLAND, PHILLIPS, CAWLEY, STEELMAN, STERN, WAUGH,  
LAUB, KREBS, GLADECK, PETTIT, E. Z. TAYLOR, CLARK, HASAY,  
BELFANTI, HUTCHINSON, L. I. COHEN, CIVERA, DRUCE, LYNCH,  
SAYLOR, ZUG, EGOLF AND BATTISTO, JANUARY 31, 1994

REFERRED TO COMMITTEE ON FINANCE, JANUARY 31, 1994

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An  
2 act relating to tax reform and State taxation by codifying  
3 and enumerating certain subjects of taxation and imposing  
4 taxes thereon; providing procedures for the payment,  
5 collection, administration and enforcement thereof; providing  
6 for tax credits in certain cases; conferring powers and  
7 imposing duties upon the Department of Revenue, certain  
8 employers, fiduciaries, individuals, persons, corporations  
9 and other entities; prescribing crimes, offenses and  
10 penalties," providing for a solar energy tax credit.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as  
14 the Tax Reform Code of 1971, is amended by adding an article to  
15 read:

16 ARTICLE XXII

17 SOLAR ENERGY TAX CREDIT

18 Section 2201. Short Title.--This article shall be known and  
19 may be cited as the "Solar Energy Tax Credit Law."

20 Section 2202. Definitions.--The following words, terms and

phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Credit." The solar energy tax credit provided for in this article.

"Department." The Department of Revenue of the Commonwealth.

"Highway warning device." An electrical device powered by solar energy used to enhance highway safety by warning motorists of highway conditions and of the location and extent of areas of highway construction or repair. The term includes, but is not limited to, flashing arrow boards, temporary and permanent message signs, post-mounted and trailer-mounted warning lights and radio transmitters used to convey construction site information and conditions to the traveling public.

Section 2203. Authorization of Tax Credit.--A taxpayer, who is subject to any of the taxes imposed by Article II, IV or VI and purchases highway warning devices, shall be entitled to a tax credit against his tax liability. The credit may be applied against the taxes imposed by Article II, IV or VI.

Section 2204. Calculation of Credit.--(a) The amount of the credit shall be equal to ten per cent of the total cost of highway warning devices purchased by the taxpayer during the tax year. The maximum credit available to a taxpayer in any tax year shall not exceed twenty thousand dollars (\$20,000) or the total amount of tax imposed by Article II, IV or VI.

(b) If the amount of the credit exceeds the amount of the taxpayer's liability for any taxable year, the amount which exceeds the tax liability may be carried over and applied against the tax liability of the taxpayer in a future tax year. A taxpayer shall not be eligible to use a credit, if it is not

1 utilized within five years from the tax year in which the credit  
2 was issued.

3 Section 2205. Powers and Duties.--(a) The Secretary of  
4 Revenue shall have the power and duty to:

5 (1) Publish any rules and regulations which may be required  
6 to implement this article.

7 (2) Publish as a notice in the Pennsylvania Bulletin, no  
8 later than ten days following the effective date of this  
9 article, forms upon which taxpayers may apply for the tax  
10 credits authorized by this article.

11 (3) Within five months after the close of any calendar year  
12 during which tax credits granted pursuant to this article were  
13 used, furnish to members of the General Assembly an annual  
14 report providing, as to each corporation which utilized tax  
15 credits during the preceding year pursuant to this article, the  
16 corporation's name, address and the amount of the tax credit  
17 granted.

18 (b) The provision of section 408, and any other provision of  
19 law preventing the disclosure of information required pursuant  
20 to subsection (a)(3), shall not apply when the information is  
21 divulged for the purposes of subsection (a)(3).

22 Section 2206. Procedures.--(a) Applications for tax credits  
23 shall be filed by taxpayers no later than January 31, 1994, and  
24 each January thereafter for credits due during the immediately  
25 previous calendar year.

26 (b) No later than June 1, 1994, and each June 1 thereafter,  
27 each taxpayer which has filed a complete application for credits  
28 pursuant to this article shall be notified regarding the amount  
29 of credits awarded to each corporation. An application shall be  
30 deemed complete and processible only if it is signed and

1 contains the taxpayer's name, address, identifying numbers and  
2 sufficient other information and documentation necessary to  
3 determine the amount of the credit.

4 (c) Appeals of determination made under this article shall  
5 be made pursuant to the administrative provisions of Article IV,  
6 except that the approval of the office of the Auditor General  
7 shall not be required.

8 Section 2. This act shall apply to tax years commencing on  
9 and after January 1994.

10 Section 3. This act shall take effect immediately.