
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 435 Session of
2015

INTRODUCED BY COHEN, KINSEY, KIRKLAND, McCARTER, MURT, SAINATO
AND THOMAS, FEBRUARY 10, 2015

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 10, 2015

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 an electric vehicle charging
11 corridor tax credit.

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

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

17 ARTICLE XVII-J

18 ELECTRIC VEHICLE CHARGING CORRIDOR TAX CREDIT

19 Section 1701-J. Definitions.

20 The following words and phrases when used in this article
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

1 "Committee." The Electric Vehicle Charging Corridor Tax
2 Credit Committee established under section 1703-J(b).

3 "Company." An entity doing business in this Commonwealth
4 that is subject to an applicable tax under section 1704-J(b).
5 The term shall include the shareholder of a Pennsylvania S
6 corporation that is eligible for the tax credit under this
7 article.

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

9 "Electric vehicle charging station." A facility that charges
10 electric vehicles.

11 "Eligible corridor." The portions of I-76, I-78, I-79, I-80,
12 I-81 and I-83 within the boundaries of this Commonwealth.

13 "Start date." The date when the company will begin the
14 company's infrastructure plan for electric vehicle charging
15 stations.

16 "Tax credit." A tax credit for which the Department of
17 Revenue has issued a certificate under this article.

18 Section 1702-J. Eligibility.

19 In order to be eligible to receive a tax credit, a company
20 must be in full compliance with all State and local tax laws and
21 demonstrate to the department the following:

22 (1) A comprehensive plan to build one or more electric
23 vehicle charging stations.

24 (2) That the stations will be open to the public.

25 (3) That the stations will be located within two miles
26 of an eligible corridor.

27 Section 1703-J. Application process.

28 (a) Application.--A company must complete and submit to the
29 department a tax credit application.

30 (b) Committee approval process.--

1 (1) The Electric Vehicle Charging Corridor Tax Credit
2 Committee is established and shall be made up of members
3 designated by the following, except that none of the
4 following may be designees:

5 (i) The Secretary of Community and Economic
6 Development.

7 (ii) The Secretary of Transportation.

8 (iii) The Secretary of Revenue.

9 (iv) The Secretary of Environmental Protection.

10 (2) Once applications have been filed with the
11 department, the committee shall review all applications and
12 rank applications according to the total number of electric
13 vehicle charging stations proposed to be built along a single
14 eligible corridor or a continuous travel route utilizing only
15 the eligible corridors, with a spacing of at least 50 miles
16 and no more than 100 miles from another electric vehicle
17 charging station within two miles of the eligible corridor.

18 (c) Approval.--Once applications are ranked by the
19 committee, the department shall approve the companies'
20 applications according to its discretion and availability of
21 tax credits. The department and the company shall execute a
22 commitment letter containing the following:

23 (1) A description of the electric vehicle charging
24 infrastructure plan.

25 (2) The amount of private capital investment in the
26 electric vehicle charging infrastructure plan.

27 (3) A signed statement that the company intends to
28 complete its electric vehicle charging infrastructure plan
29 within 18 months.

30 (4) Other information as the department deems

1 appropriate.

2 (d) Commitment letter.--After a commitment letter has been
3 signed by the Commonwealth and the company, the company shall
4 receive a tax credit certificate and filing information.

5 Section 1704-J. Electric vehicle charging corridor tax credits.

6 (a) Maximum amount.--A company may claim a tax credit for up
7 to 50% of the total cost of the electric vehicle charging
8 station. For the purposes of this subsection, the total cost may
9 not exceed \$500,000.

10 (b) Applicable taxes.--A company may apply the tax credit to
11 100% of all or a combination of any of the following taxes of
12 the company:

13 (1) State corporate net income tax.

14 (2) Capital stock and franchise tax or the capital stock
15 and franchise tax of a shareholder of the company if the
16 company is a Pennsylvania S corporation.

17 (3) Gross premiums tax.

18 (4) Gross receipts tax.

19 (5) Bank and trust company shares tax.

20 (6) Mutual thrift institution tax.

21 (7) Title insurance company shares tax.

22 (8) Personal income tax or the personal income tax of
23 shareholders of a Pennsylvania S corporation.

24 (c) Term.--A company may claim the tax credit in one year or
25 over a period determined by the department but not to exceed ten
26 years from the date the company first submits a certificate.

27 (d) Sale or assignment.--

28 (1) A tax credit recipient, upon application to and
29 approval by the department, may sell or assign, in whole or
30 in part, a tax credit granted to the recipient if no claim

1 for allowance of the credit is filed within one year from the
2 date the credit is granted by the department.

3 (2) The purchaser or assignee of a tax credit shall
4 immediately claim the credit in the taxable year in which the
5 purchase or assignment is made. The purchaser or assignee may
6 not carry back, obtain a refund of or sell or assign the tax
7 credit. The purchaser or assignee shall notify the department
8 of the seller or assignor of the tax credit in compliance
9 with procedures specified by the department.

10 (3) The department shall promulgate guidelines for the
11 approval of applications under this subsection.

12 (e) Availability.--Each fiscal year, \$5,000,000 in tax
13 credits shall be made available to the department and may be
14 awarded by the department in accordance with this article.
15 Section 1705-J. Refund.

16 A company that receives tax credits and fails to operate the
17 electric vehicle charging station for which it received the tax
18 credits for a period of five years from the start date shall
19 refund to the Commonwealth the total amount of credits granted.
20 Section 1706-J. Report to General Assembly.

21 No later than June 1, 2016, and each June 1 thereafter, the
22 department shall submit a report on the tax credits granted
23 under this article. The report shall include the names of
24 taxpayers who utilized the credit as of the date of the report
25 and the amount of credits approved. The report may include
26 recommendations for changes in the calculation or administration
27 of the tax credit and other information as the department deems
28 appropriate. The report shall be submitted to all of the
29 following:

30 (1) The chairman and minority chairman of the

1 Appropriations Committee of the Senate.

2 (2) The chairman and minority chairman of the
3 Appropriations Committee of the House of Representatives.

4 (3) The chairman and minority chairman of the Finance
5 Committee of the Senate.

6 (4) The chairman and the minority chairman of the
7 Finance Committee of the House of Representatives.

8 Section 1707-J. Time limitations.

9 A company is not entitled to a tax credit for taxable years
10 ending after December 31, 2017.

11 Section 1708-J. Regulations.

12 The department shall promulgate regulations necessary for the
13 implementation and administration of this article.

14 Section 2. The addition of Article XVII-J of the act shall
15 apply to tax years beginning on or after December 31, 2015.

16 Section 3. This act shall take effect in 60 days.