

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1675 Session of 2011

INTRODUCED BY COHEN, B. BOYLE, CALTAGIRONE, FABRIZIO, FREEMAN,
HARHAI, JOHNSON, JOSEPHS, LONGIETTI, M. O'BRIEN, READSHAW,
SANTONI, THOMAS, VITALI AND WAGNER, JUNE 16, 2011

REFERRED TO COMMITTEE ON FINANCE, JUNE 16, 2011

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; and imposing penalties.

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-G

18 ELECTRIC VEHICLE CHARGING CORRIDOR TAX CREDIT

19 Section 1701-G. 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 "Applicant." A company which meets the eligibility
2 requirements for the tax credit under this article.

3 "Committee." The Electric Vehicle Charging Corridor Tax
4 Credit Committee.

5 "Company." An entity doing business in this Commonwealth
6 which is subject to tax under Article III, IV or VI. The term
7 shall include the shareholder of a Pennsylvania S corporation
8 that is eligible for the tax credit under this article.

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

10 "Electric vehicle charging corridor tax credit." Tax credits
11 for which the Department of Revenue has issued a certificate
12 under this article.

13 "Electric vehicle charging station." A facility that charges
14 electric vehicles.

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

17 "Secretary." The Secretary of Revenue of the Commonwealth.

18 "Start date." The date on which the company may begin the
19 company's infrastructure plan for electric vehicle charging
20 stations.

21 Section 1702-G. Eligibility.

22 In order to be eligible to receive an electric vehicle
23 charging corridor tax credit, a company must demonstrate to the
24 department the following:

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

27 (2) The stations must be open to the public.

28 (3) The stations must be located within two miles of an
29 eligible corridor.

30 Section 1703-G. Application process.

1 (a) Application.--A company must complete and submit to the
2 department an electric vehicle charging corridor tax credit
3 application.

4 (b) Committee approval process.--

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

9 (i) The Secretary of Community and Economic
10 Development of the Commonwealth.

11 (ii) The Secretary of Transportation of the
12 Commonwealth.

13 (iii) The secretary.

14 (iv) The Secretary of Environmental Protection.

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

23 (c) Approval.--Once applications are ranked by the
24 committee, the department shall approve the companies'
25 applications according to their discretion and availability of
26 electric vehicle charging corridor tax credits. The department
27 and the company shall execute a commitment letter containing the
28 following:

29 (1) A description of the electric vehicle charging
30 infrastructure plan.

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

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

6 (4) Any other information as the department deems
7 appropriate.

8 (d) Commitment letter.--After a commitment letter has been
9 signed by the Commonwealth and the company, the company shall
10 receive an electric vehicle charging corridor tax credit
11 certificate and filing information.

12 Section 1704-G. Electric vehicle charging corridor tax credits.

13 (a) Maximum amount.--A company may claim an electric vehicle
14 charging corridor tax credit for up to 50% of the total cost of
15 the electric vehicle charging station to an existing station
16 which sells gasoline. For the purposes of this subsection, the
17 total cost may not exceed \$500,000.

18 (b) Applicable taxes.--A company may apply the electric
19 vehicle charging corridor tax credit to 100% of all or a
20 combination of any of the following taxes of the company:

21 (1) State corporate net income tax.

22 (2) Capital stock and franchise tax or the capital stock
23 and franchise tax of a shareholder of the company if the
24 company is a Pennsylvania S corporation.

25 (3) Gross premiums tax.

26 (4) Gross receipts tax.

27 (5) Bank and trust company shares tax.

28 (6) Mutual thrift institution tax.

29 (7) Title insurance company shares tax.

30 (8) Personal income tax or the personal income tax of

1 shareholders of a Pennsylvania S corporation.

2 (c) Term.--A company may claim the electric vehicle charging
3 corridor tax credit in one year or spread the credit over a
4 period determined by the department but not to exceed five years
5 from the date the company first submits a certificate.

6 (d) Sale or assignment.--

7 (1) An electric vehicle charging corridor tax credit
8 recipient, upon application to and approval by the
9 department, may sell or assign, in whole or in part, an
10 electric vehicle charging corridor tax credit granted to the
11 recipient if no claim for allowance of the credit is filed
12 within one year from the date the credit is granted by the
13 department.

14 (2) The purchaser or assignee of an electric vehicle
15 charging corridor tax credit shall immediately claim the
16 credit in the taxable year in which the purchase or
17 assignment is made. The purchaser or assignee may not carry
18 back, obtain a refund of or sell or assign the electric
19 vehicle charging corridor tax credit. The purchaser or
20 assignee shall notify the department of the seller or
21 assignor of the electric vehicle charging corridor tax credit
22 in compliance with procedures specified by the department.

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

25 (e) Availability.--Each fiscal year, \$5,000,000 in electric
26 vehicle charging corridor tax credits shall be made available to
27 the department and may be awarded by the department in
28 accordance with this article.

29 Section 1705-G. Penalties.

30 A company which receives electric vehicle charging corridor

1 tax credits and fails to operate the electric vehicle charging
2 station for which it received the tax credits for a period of
3 five years from the start date shall refund to the Commonwealth
4 the total amount of credits granted.

5 Section 1706-G. Report to General Assembly.

6 No later than June 1, 2012, and each June 1 thereafter, the
7 department shall submit a report on the electric vehicle
8 charging corridor tax credits granted under this article. The
9 report shall include the names of taxpayers who utilized the
10 credit as of the date of the report and the amount of credits
11 approved. The report may include recommendations for changes in
12 the calculation or administration of the electric vehicle
13 charging corridor tax credit and other information as the
14 department deems appropriate. The report shall be submitted to
15 all of the following:

16 (1) The chairman and minority chairman of the
17 Appropriations Committee of the Senate.

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

20 (3) The chairman and minority chairman of the Finance
21 Committee of the Senate.

22 (4) The chairman and the minority chairman of the
23 Finance Committee of the House of Representatives.

24 Section 1707-G. Time limitations.

25 A company shall not be entitled to an electric vehicle
26 charging corridor tax credit for taxable years ending after
27 December 31, 2016.

28 Section 1708-G. Regulations.

29 The secretary shall promulgate regulations necessary for the
30 implementation and administration of this article.

1 Section 2. This act shall take effect in 60 days.