

Senator Derek L. Kitchen proposes the following substitute bill:

ELECTRIC ENERGY RELATED TAX CREDIT

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek L. Kitchen

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill enacts a corporate and individual income tax credit related to electric energy.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts a nonrefundable corporate and individual income tax credit for the purchase of an electric energy storage asset or certain electric commercial class 8 vehicles;
- ▶ enacts a nonrefundable gross receipts tax credit for the purchase of an electric energy storage asset;
- ▶ provides that a taxpayer may not claim more than one state tax credit for each qualified purchase;
- ▶ provides a sunset review and repeal date for the tax credits; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides retrospective operation.

Utah Code Sections Affected:



26 AMENDS:

27 **59-7-618**, as last amended by Laws of Utah 2017, Chapter 265

28 **59-10-1033**, as last amended by Laws of Utah 2017, Chapter 265

29 **63I-2-259**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6

30 ENACTS:

31 **59-7-625**, Utah Code Annotated 1953

32 **59-8-301**, Utah Code Annotated 1953

33 **59-10-1041**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **59-7-618** is amended to read:

37 **59-7-618. Tax credit related to alternative fuel heavy duty vehicles.**

38 (1) As used in this section:

39 (a) "Board" means the Air Quality Board created under Title 19, Chapter 2, Air
40 Conservation Act.

41 (b) "Director" means the director of the Division of Air Quality appointed under
42 Section **19-2-107**.

43 (c) "Heavy duty vehicle" means a commercial category 7 or 8 vehicle, according to
44 vehicle classifications established by the Federal Highway Administration.

45 (d) "Natural gas" includes compressed natural gas and liquified natural gas.

46 (e) "Qualified heavy duty vehicle" means a heavy duty vehicle that:

47 (i) has never been titled or registered and has been driven less than 7,500 miles; and

48 (ii) is fueled by natural gas, has a 100% electric drivetrain, or has a hydrogen-electric
49 drivetrain.

50 (f) "Qualified purchase" means the purchase of a qualified heavy duty vehicle.

51 (g) "Qualified taxpayer" means a taxpayer that:

52 (i) purchases a qualified heavy duty vehicle; and

53 (ii) receives a tax credit certificate from the director.

54 (h) "Small fleet" means 40 or fewer heavy duty vehicles registered in the state and
55 owned by a single taxpayer.

56 (i) "Tax credit certificate" means a certificate issued by the director certifying that a

57 taxpayer is entitled to a tax credit as provided in this section and stating the amount of the tax
58 credit.

59 (2) A qualified taxpayer may claim a nonrefundable tax credit against tax otherwise
60 due under this chapter or Chapter 8, Gross Receipts Tax on Certain Corporations Not Required
61 to Pay Corporate Franchise or Income Tax Act:

62 (a) in an amount equal to:

63 (i) \$25,000, if the qualified purchase of a natural gas heavy duty vehicle occurs during
64 calendar year 2015 or calendar year 2016;

65 (ii) \$25,000, if the qualified purchase occurs during calendar year 2017;

66 (iii) \$20,000, if the qualified purchase occurs during calendar year 2018;

67 (iv) \$18,000, if the qualified purchase occurs during calendar year 2019; and

68 (v) \$15,000, if the qualified purchase occurs during calendar year 2020; and

69 (b) if the qualified taxpayer certifies under oath that over 50% of the miles that the
70 heavy duty vehicle that is the subject of the qualified purchase will travel annually will be
71 within the state.

72 (3) (a) Except as provided in Subsection (3)(b), a taxpayer may not submit an
73 application for, and the director may not issue to the taxpayer, a tax credit certificate under this
74 section in any taxable year for a qualified purchase if the director has already issued tax credit
75 certificates to the taxpayer for 10 qualified purchases in the same taxable year.

76 (b) If, by May 1 of any year, more than 30% of the aggregate annual total amount of
77 tax credits under Subsection (5) has not been claimed, a taxpayer may submit an application
78 for, and the director may issue to the taxpayer, one or more tax credit certificates for up to eight
79 additional qualified purchases, even if the director has already issued to that taxpayer tax credit
80 certificates for the maximum number of qualified purchases allowed under Subsection (3)(a).

81 (4) (a) Subject to Subsection (4)(b), the director shall reserve 25% of all tax credits
82 available under this section for qualified taxpayers with a small fleet.

83 (b) Subsection (4)(a) does not prevent a taxpayer from submitting an application for, or
84 the director from issuing, a tax credit certificate if, before October 1, qualified taxpayers with a
85 small fleet have not reserved under Subsection (5)(b) tax credits for the full amount reserved
86 under Subsection (4)(a).

87 (5) (a) The aggregate annual total amount of tax credits represented by tax credit

88 certificates that the director issues under this section and Section 59-10-1033 may not exceed
89 \$500,000.

90 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
91 Rulemaking Act, make rules to establish a process under which a taxpayer may reserve a
92 potential tax credit under this section for a limited time to allow the taxpayer to make a
93 qualified purchase with the assurance that the aggregate limit under Subsection (5)(a) will not
94 be met before the taxpayer is able to submit an application for a tax credit certificate.

95 (6) (a) (i) A taxpayer wishing to claim a tax credit under this section shall submit to the
96 director, using forms the board requires by rule:

97 (A) [~~submit to the director~~] an application for a tax credit;

98 (B) [~~provide the director~~] proof of a qualified purchase; [~~and~~]

99 (C) [~~submit to the director~~] the certification under oath required under Subsection

100 (2)(b)[~~;~~]; and

101 (D) a certification under oath that the taxpayer has not claimed another tax credit under
102 this chapter for the same qualified purchase.

103 (ii) Upon receiving the [~~application, proof, and certification~~] information required
104 under Subsection (6)(a)(i), the director shall provide the taxpayer a written statement from the
105 director acknowledging receipt of the proof.

106 (b) If the director determines that a taxpayer qualifies for a tax credit under this section,
107 the director shall:

108 (i) determine the amount of tax credit the taxpayer is allowed under this section; and

109 (ii) provide the taxpayer with a written tax credit certificate:

110 (A) stating that the taxpayer has qualified for a tax credit; and

111 (B) showing the amount of tax credit for which the taxpayer has qualified under this
112 section.

113 (c) A qualified taxpayer shall retain the tax credit certificate.

114 (d) The director shall at least annually submit to the commission a list of all qualified
115 taxpayers to which the director has issued a tax credit certificate and the amount of each tax
116 credit represented by the tax credit certificates.

117 (7) The tax credit under this section is allowed only:

118 (a) against a tax owed under this chapter or Chapter 8, Gross Receipts Tax on Certain

119 Corporations Not Required to Pay Corporate Franchise or Income Tax Act, in the taxable year
120 by the qualified taxpayer;

121 (b) for the taxable year in which the qualified purchase occurs; and

122 (c) once per vehicle.

123 (8) A qualified taxpayer may not:

124 (a) assign a tax credit or a tax credit certificate under this section to another person[-];

125 or

126 (b) claim more than one tax credit under this chapter for a qualified purchase.

127 (9) If the qualified taxpayer receives a tax credit certificate under this section that
128 allows a tax credit in an amount that exceeds the qualified taxpayer's tax liability under this
129 chapter or Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay
130 Corporate Franchise or Income Tax Act, for a taxable year, the qualified taxpayer may carry
131 forward the amount of the tax credit that exceeds the tax liability for a period that does not
132 exceed the next five taxable years.

133 (10) (a) In accordance with any rules prescribed by the commission under Subsection
134 (10)(b), the Division of Finance shall transfer at least annually from the General Fund into the
135 Education Fund the aggregate amount of all tax credits claimed under this section.

136 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
137 commission may make rules for making a transfer from the General Fund into the Education
138 Fund as required by Subsection (10)(a).

139 Section 2. Section **59-7-625** is enacted to read:

140 **59-7-625. Nonrefundable tax credit related to electric energy.**

141 (1) As used in this section:

142 (a) "Commercial use" means the same as that term is defined in Section [59-12-102](#).

143 (b) "Electric energy storage asset" means property that is interconnected to the
144 electrical grid and is designed to:

145 (i) receive electrical energy;

146 (ii) store electrical energy as another energy form; and

147 (iii) (A) convert stored energy described in Subsection (1)(b)(ii) back to electrical
148 energy and deliver the electrical energy for sale; or

149 (B) use electrical energy described in Subsection (1)(b)(ii) to provide reliability or

150 economic benefits to the grid.

151 (c) "Heavy duty vehicle" means a commercial 8 vehicle, according to vehicle
152 classifications established by the Federal Highway Administration.

153 (d) "Industrial use" means the same as that term is defined in Section 59-12-102.

154 (e) "Office" means the Office of Energy Development created in Section 63M-4-401.

155 (f) "Qualified heavy duty vehicle" means a heavy duty vehicle that has:

156 (i) never been titled or registered and has been driven less than 7,500 miles; and

157 (ii) (A) a 100% electric drivetrain and a range of 250 miles or more per charge; or

158 (B) a hydrogen-electric drivetrain and a range of 400 miles or more per charge.

159 (g) "Qualified purchase" means the purchase of:

160 (i) a qualified heavy duty vehicle; or

161 (ii) an electric energy storage asset for any of the following uses in the state:

162 (A) commercial use;

163 (B) industrial use; or

164 (C) residential use.

165 (h) "Qualified taxpayer" means a taxpayer that:

166 (i) makes a qualified purchase; and

167 (ii) receives a tax credit certificate from the office.

168 (i) "Residential use" means the same as that term is defined in Section 59-12-102.

169 (j) "Tax credit certificate" means a certificate issued by the office in accordance with

170 Subsection (4)(b).

171 (2) Subject to the other provisions of this section, for a taxable year beginning on or
172 after January 1, 2020, and before January 1, 2025, a qualified taxpayer may claim a

173 nonrefundable tax credit:

174 (a) in an amount equal to the lesser of:

175 (i) if the qualified purchase is an electric energy storage asset for residential use:

176 (A) an amount equal to 25% of the price of the qualified purchase; or

177 (B) \$5,000; or

178 (ii) if the qualified purchase is an electric energy storage asset for commercial use or
179 industrial use or a qualified heavy duty vehicle:

180 (A) an amount equal to 10% of the price of the qualified purchase; or

181 (B) \$100,000; and
182 (b) for a qualified purchase that is a qualified heavy duty vehicle, if the qualified
183 taxpayer certifies under oath that over 50% of the miles that the qualified heavy duty vehicle
184 will travel annually will be within the state.

185 (3) The aggregate total amount of tax credits represented by tax credit certificates that
186 the office issues in a calendar year under this section and Sections [59-8-301](#) and [59-10-1041](#)
187 may not exceed \$5,000,000.

188 (4) (a) (i) To claim a tax credit under this section a taxpayer shall submit to the office,
189 using a form prescribed by the office:

190 (A) an application for the tax credit;

191 (B) proof of a qualified purchase; and

192 (C) if the qualified purchase is a qualified heavy duty vehicle, the certification
193 described in Subsection (2)(b) and a certification under oath that the taxpayer has not claimed
194 another tax credit under this chapter for the same qualified purchase.

195 (ii) Upon receipt of the information described in Subsection (4)(a)(i), the office shall
196 provide the taxpayer a written statement acknowledging receipt.

197 (b) If the office determines that the taxpayer qualifies for the tax credit, the office shall:

198 (i) determine the amount of the tax credit the taxpayer is allowed under this section;

199 and

200 (ii) provide the taxpayer with a written tax credit certificate that:

201 (A) states that the taxpayer qualifies for the tax credit; and

202 (B) shows the amount of the tax credit for which the taxpayer qualifies.

203 (c) The qualified taxpayer shall retain the tax credit certificate.

204 (d) At least annually, the office shall submit to the commission a list of each qualified
205 taxpayer to whom the office issued a tax credit certificate and the amount of the tax credit.

206 (5) (a) The tax credit described in this section is allowed only for the taxable year in
207 which the qualified purchase occurs.

208 (b) A qualified taxpayer may not:

209 (i) assign a tax credit or tax credit certificate under this section to another person;

210 (ii) claim more than one tax credit under this chapter for a qualified purchase; or

211 (iii) carry forward or carry back a tax credit under this section.

212 Section 3. Section **59-8-301** is enacted to read:

213 **Part 3. Nonrefundable Tax Credits**

214 **59-8-301. Nonrefundable tax credit related to electric energy.**

215 (1) As used in this section:

216 (a) "Commercial use" means the same as that term is defined in Section [59-12-102](#).

217 (b) "Electric energy storage asset" means property that is interconnected to the
218 electrical grid and is designed to:

219 (i) receive electrical energy;

220 (ii) store electrical energy as another energy form; and

221 (iii) (A) convert stored energy described in Subsection (1)(b)(ii) back to electrical
222 energy and deliver the electrical energy for sale; or

223 (B) use electrical energy described in Subsection (1)(b)(ii) to provide reliability or
224 economic benefits to the grid.

225 (c) "Industrial use" means the same as that term is defined in Section [59-12-102](#).

226 (d) "Office" means the Office of Energy Development created in Section [63M-4-401](#).

227 (e) "Qualified purchase" means the purchase of an electric energy storage asset for any
228 of the following uses in the state:

229 (i) commercial use; or

230 (ii) industrial use.

231 (f) "Qualified taxpayer" means a taxpayer that:

232 (i) makes a qualified purchase; and

233 (ii) receives a tax credit certificate from the office.

234 (g) "Tax credit certificate" means a certificate issued by the office in accordance with
235 Subsection (4)(b).

236 (2) Subject to the other provisions of this section, for a taxable year beginning on or
237 after July 1, 2020, and before July 1, 2025, a qualified taxpayer may claim a nonrefundable tax
238 credit in an amount equal to the lesser of:

239 (a) an amount equal to 10% of the price of the qualified purchase; or

240 (b) \$100,000.

241 (3) The aggregate total amount of tax credits represented by tax credit certificates that
242 the office issues in a calendar year under this section and Sections [59-7-625](#) and [59-10-1041](#)

243 may not exceed \$5,000,000.

244 (4) (a) (i) To claim a tax credit under this section a taxpayer shall, using a form
245 prescribed by the office:

246 (A) submit to the office an application for the tax credit; and

247 (B) provide the office proof of a qualified purchase.

248 (ii) Upon receipt of the information described in Subsection (4)(a)(i), the office shall
249 provide the taxpayer a written statement acknowledging receipt.

250 (b) If the office determines that the taxpayer qualifies for the tax credit, the office shall:

251 (i) determine the amount of the tax credit the taxpayer is allowed under this section;

252 and

253 (ii) provide the taxpayer with a written tax credit certificate that:

254 (A) states that the taxpayer qualifies for the tax credit; and

255 (B) shows the amount of the tax credit for which the taxpayer qualifies.

256 (c) The qualified taxpayer shall retain the tax credit certificate.

257 (d) At least annually, the office shall submit to the commission a list of each qualified
258 taxpayer to whom the office issued a tax credit certificate and the amount of the tax credit.

259 (5) (a) The tax credit described in this section is allowed only for the taxable year in
260 which the qualified purchase occurs.

261 (b) A qualified taxpayer may not:

262 (i) assign a tax credit or tax credit certificate under this section to another person; or

263 (ii) carry forward or carry back a tax credit under this section.

264 Section 4. Section **59-10-1033** is amended to read:

265 **59-10-1033. Tax credit related to alternative fuel heavy duty vehicles.**

266 (1) As used in this section:

267 (a) "Board" means the Air Quality Board created under Title 19, Chapter 2, Air
268 Conservation Act.

269 (b) "Director" means the director of the Division of Air Quality appointed under
270 Section [19-2-107](#).

271 (c) "Heavy duty vehicle" means a commercial category 7 or 8 vehicle, according to
272 vehicle classifications established by the Federal Highway Administration.

273 (d) "Natural gas" includes compressed natural gas and liquified natural gas.

- 274 (e) "Qualified heavy duty vehicle" means a heavy duty vehicle that:
- 275 (i) has never been titled or registered and has been driven less than 7,500 miles; and
- 276 (ii) is fueled by natural gas, has a 100% electric drivetrain, or has a hydrogen-electric
- 277 drivetrain.
- 278 (f) "Qualified purchase" means the purchase of a qualified heavy duty vehicle.
- 279 (g) "Qualified taxpayer" means a claimant, estate, or trust that:
- 280 (i) purchases a qualified heavy duty vehicle; and
- 281 (ii) receives a tax credit certificate from the director.
- 282 (h) "Small fleet" means 40 or fewer heavy duty vehicles registered in the state and
- 283 owned by a single claimant, estate, or trust.
- 284 (i) "Tax credit certificate" means a certificate issued by the director certifying that a
- 285 claimant, estate, or trust is entitled to a tax credit as provided in this section and stating the
- 286 amount of the tax credit.
- 287 (2) A qualified taxpayer may claim a nonrefundable tax credit against tax otherwise
- 288 due under this chapter:
- 289 (a) in an amount equal to:
- 290 (i) \$25,000, if the qualified purchase of a natural gas heavy duty vehicle occurs during
- 291 calendar year 2015 or calendar year 2016;
- 292 (ii) \$25,000, if the qualified purchase occurs during calendar year 2017;
- 293 (iii) \$20,000, if the qualified purchase occurs during calendar year 2018;
- 294 (iv) \$18,000, if the qualified purchase occurs during calendar year 2019; and
- 295 (v) \$15,000, if the qualified purchase occurs during calendar year 2020; and
- 296 (b) if the qualified taxpayer certifies under oath that over 50% of the miles that the
- 297 heavy duty vehicle that is the subject of the qualified purchase will travel annually will be
- 298 within the state.
- 299 (3) (a) Except as provided in Subsection (3)(b), a claimant, estate, or trust may not
- 300 submit an application for, and the director may not issue to the claimant, estate, or trust, a tax
- 301 credit certificate under this section in any taxable year for a qualified purchase if the director
- 302 has already issued tax credit certificates to the claimant, estate, or trust for 10 qualified
- 303 purchases in the same taxable year.
- 304 (b) If, by May 1 of any year, more than 30% of the aggregate annual total amount of

305 tax credits under Subsection (5) has not been claimed, a claimant, estate, or trust may submit
306 an application for, and the director may issue to the claimant, estate, or trust, one or more tax
307 credit certificates for up to eight additional qualified purchases, even if the director has already
308 issued to that claimant, estate, or trust tax credit certificates for the maximum number of
309 qualified purchases allowed under Subsection (3)(a).

310 (4) (a) Subject to Subsection (4)(b), the director shall reserve 25% of all tax credits
311 available under this section for qualified taxpayers with a small fleet.

312 (b) Subsection (4)(a) does not prevent a claimant, estate, or trust from submitting an
313 application for, or the director from issuing, a tax credit certificate if, before October 1,
314 qualified taxpayers with a small fleet have not reserved under Subsection (5)(b) tax credits for
315 the full amount reserved under Subsection (4)(a).

316 (5) (a) The aggregate annual total amount of tax credits represented by tax credit
317 certificates that the director issues under this section and Section 59-7-618 may not exceed
318 \$500,000.

319 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
320 Rulemaking Act, make rules to establish a process under which a claimant, estate, or trust may
321 reserve a potential tax credit under this section for a limited time to allow the claimant, estate,
322 or trust to make a qualified purchase with the assurance that the aggregate limit under
323 Subsection (5)(a) will not be met before the claimant, estate, or trust is able to submit an
324 application for a tax credit certificate.

325 (6) (a) (i) A claimant, estate, or trust wishing to claim a tax credit under this section
326 shall submit to the director, using forms the board requires by rule:

327 (A) [~~submit to the director~~] an application for a tax credit;

328 (B) [~~provide the director~~] proof of a qualified purchase; [~~and~~]

329 (C) [~~submit to the director~~] the certification under oath required under Subsection
330 (2)(b)[-]; and

331 (D) a certification under oath that the claimant, estate, or trust has not claimed another
332 tax credit under this chapter for the same qualified purchase.

333 (ii) Upon receiving the [~~application, proof, and certification~~] information required
334 under Subsection (6)(a)(i), the director shall provide the claimant, estate, or trust a written
335 statement from the director acknowledging receipt of the proof.

336 (b) If the director determines that a claimant, estate, or trust qualifies for a tax credit
337 under this section, the director shall:

338 (i) determine the amount of tax credit the claimant, estate, or trust is allowed under this
339 section; and

340 (ii) provide the claimant, estate, or trust with a written tax credit certificate:

341 (A) stating that the claimant, estate, or trust has qualified for a tax credit; and

342 (B) showing the amount of tax credit for which the claimant, estate, or trust has
343 qualified under this section.

344 (c) A qualified taxpayer shall retain the tax credit certificate.

345 (d) The director shall at least annually submit to the commission a list of all qualified
346 taxpayers to which the director has issued a tax credit certificate and the amount of each tax
347 credit represented by the tax credit certificates.

348 (7) The tax credit under this section is allowed only:

349 (a) against a tax owed under this chapter in the taxable year by the qualified taxpayer;

350 (b) for the taxable year in which the qualified purchase occurs; and

351 (c) once per vehicle.

352 (8) A qualified taxpayer may not:

353 (a) assign a tax credit or a tax credit certificate under this section to another person[-];

354 or

355 (b) claim more than one tax credit under this chapter for a qualified purchase.

356 (9) If the qualified taxpayer receives a tax credit certificate under this section that
357 allows a tax credit in an amount that exceeds the qualified taxpayer's tax liability under this
358 chapter for a taxable year, the qualified taxpayer may carry forward the amount of the tax credit
359 that exceeds the tax liability for a period that does not exceed the next five taxable years.

360 (10) (a) In accordance with any rules prescribed by the commission under Subsection
361 (10)(b), the Division of Finance shall transfer at least annually from the General Fund into the
362 Education Fund the aggregate amount of all tax credits claimed under this section.

363 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
364 commission may make rules for making a transfer from the General Fund into the Education
365 Fund as required by Subsection (10)(a).

366 Section 5. Section **59-10-1041** is enacted to read:

- 367 **59-10-1041. Nonrefundable tax credit related to electric energy.**
- 368 (1) As used in this section:
- 369 (a) "Commercial use" means the same as that term is defined in Section [59-12-102](#).
- 370 (b) "Electric energy storage asset" means property that is interconnected to the
- 371 electrical grid and is designed to:
- 372 (i) receive electrical energy;
- 373 (ii) store electrical energy as another energy form; and
- 374 (iii) (A) convert stored energy described in Subsection (1)(b)(ii) back to electrical
- 375 energy and deliver the electrical energy for sale; or
- 376 (B) use electrical energy described in Subsection (1)(b)(ii) to provide reliability or
- 377 economic benefits to the grid.
- 378 (c) "Heavy duty vehicle" means a commercial 8 vehicle, according to vehicle
- 379 classifications established by the Federal Highway Administration.
- 380 (d) "Industrial use" means the same as that term is defined in Section [59-12-102](#).
- 381 (e) "Office" means the Office of Energy Development created in Section [63M-4-401](#).
- 382 (f) "Qualified heavy duty vehicle" means a heavy duty vehicle that has:
- 383 (i) never been titled or registered and has been driven less than 7,500 miles; and
- 384 (ii) (A) a 100% electric drivetrain and a range of 250 miles or more per charge; or
- 385 (B) a hydrogen-electric drivetrain and a range of 400 miles or more per charge.
- 386 (g) "Qualified purchase" means the purchase of:
- 387 (i) a qualified heavy duty vehicle; or
- 388 (ii) an electric energy storage asset for any of the following uses in the state:
- 389 (A) commercial use;
- 390 (B) industrial use; or
- 391 (C) residential use.
- 392 (h) "Qualified taxpayer" means a claimant who:
- 393 (i) makes a qualified purchase; and
- 394 (ii) receives a tax credit certificate from the office.
- 395 (i) "Residential use" means the same as that term is defined in Section [59-12-102](#).
- 396 (j) "Tax credit certificate" means a certificate issued by the office in accordance with
- 397 Subsection (4)(b).

398 (2) Subject to the other provisions of this section, for a taxable year beginning on or
399 after January 1, 2020, and before January 1, 2025, a qualified taxpayer may claim a
400 nonrefundable tax credit:

401 (a) in an amount equal to the lesser of:

402 (i) if the qualified purchase is an electric energy storage asset for residential use:

403 (A) an amount equal to 25% of the price of the qualified purchase; or

404 (B) \$5,000; or

405 (ii) if the qualified purchase is an electric energy storage asset for commercial use or
406 industrial use or a qualified heavy duty vehicle:

407 (A) an amount equal to 10% of the price of the qualified purchase; or

408 (B) \$100,000; and

409 (b) for a qualified purchase that is a qualified heavy duty vehicle, if the qualified
410 taxpayer certifies under oath that over 50% of the miles that the qualified heavy duty vehicle
411 will travel annually will be within the state.

412 (3) The aggregate total amount of tax credits represented by tax credit certificates that
413 the office issues in a calendar year under this section and Sections [59-7-625](#) and [59-8-301](#) may
414 not exceed \$5,000,000.

415 (4) (a) (i) To claim a tax credit under this section a taxpayer shall submit to the office,
416 using a form prescribed by the office:

417 (A) an application for the tax credit;

418 (B) proof of a qualified purchase; and

419 (C) if the qualified purchase is a qualified heavy duty vehicle, the certification
420 described in Subsection (2)(b) and a certification under oath that the taxpayer has not claimed
421 another tax credit under this chapter for the same qualified purchase.

422 (ii) Upon receipt of the information described in Subsection (4)(a)(i), the office shall
423 provide the taxpayer a written statement acknowledging receipt.

424 (b) If the office determines that the taxpayer qualifies for the tax credit, the office shall:

425 (i) determine the amount of the tax credit the taxpayer is allowed under this section;

426 and

427 (ii) provide the taxpayer with a written tax credit certificate that:

428 (A) states that the taxpayer qualifies for the tax credit; and

429 (B) shows the amount of the tax credit for which the taxpayer qualifies.
430 (c) The qualified taxpayer shall retain the tax credit certificate.
431 (d) At least annually, the office shall submit to the commission a list of each qualified
432 taxpayer to whom the office issued a tax credit certificate and the amount of the tax credit.
433 (5) (a) The tax credit described in this section is allowed only for the taxable year in
434 which the qualified purchase occurs.
435 (b) A qualified taxpayer may not:
436 (i) assign a tax credit or tax credit certificate under this section to another person;
437 (ii) claim more than one tax credit under this chapter for a qualified purchase; or
438 (iii) carry forward or carry back a tax credit under this section.
439 Section 6. Section **63I-2-259** is amended to read:
440 **63I-2-259. Repeal dates -- Title 59.**
441 ~~[(1) Section 59-1-102 is repealed on May 14, 2019.]~~
442 ~~[(2)]~~ (1) In Section 59-2-926, the language that states "applicable" and "or
443 53F-2-301.5" is repealed July 1, 2023.
444 ~~[(3) Subsection 59-2-1007(15) is repealed on December 31, 2018.]~~
445 (2) Section 59-7-625 is repealed July 1, 2025.
446 (3) Section 59-8-301 is repealed July 1, 2025.
447 (4) Section 59-10-1041 is repealed July 1, 2025.
448 Section 7. **Retrospective operation.**
449 This bill has retrospective operation for a taxable year beginning on or after January 1,
450 2020.