

110

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a tax credit for condominium and cooperative apartment owners that install electrical outlets for charging electric cars in certain parking garages

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 49 to read as follows:
3 49. CREDIT FOR ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS IN
4 CERTAIN PARKING GARAGES. (A) A TAXPAYER SHALL BE ALLOWED A CREDIT FOR
5 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN
6 AND ENDING BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY AGAINST THE
7 TAX IMPOSED BY THIS ARTICLE FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL
8 OUTLETS FOR CHARGING ELECTRIC CARS IN THE PARKING GARAGE OWNED BY
9 A CONDOMINIUM MANAGEMENT ASSOCIATION OR A COOPERATIVE HOUSING CORPORATION,
10 IF SUCH CONDOMINIUM OR COOPERATIVE HOUSING IS LOCATED WITHIN
11 THIS STATE. ANY TAXPAYER WHO IS A MEMBER OF THE CONDOMINIUM MANAGEMENT
12 ASSOCIATION OR WHO IS A TENANT-STOCKHOLDER IN THE COOPERATIVE HOUSING
13 CORPORATION MAY FOR THE PURPOSE OF THIS SUBDIVISION CLAIM A PROPORTIONATE
14 SHARE OF THE TOTAL EXPENSE AS THE EXPENDITURE FOR THE PURPOSES
15 OF THE CREDIT ATTRIBUTABLE TO HIS PRINCIPAL RESIDENCE, IF SUCH RESIDENCE
16 IS LOCATED WITHIN THE STATE. THE TOTAL AMOUNT OF THE CREDIT SHALL BE
17 FIFTY-FIVE PERCENT OF THE EXPENDITURE INCURRED IN PURCHASING AND
18 INSTALLING ANY SUCH SYSTEM OR COMBINATION THEREOF, BUT NOT TO EXCEED THE
19 MAXIMUM CREDIT OF FIVE THOUSAND DOLLARS.
20 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL
21 HAVE THE FOLLOWING MEANINGS:
22 (I) "ELECTRIC CARS" SHALL MEAN MOTOR VEHICLES, AS DEFINED BY SECTION
23 ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, WHICH ARE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 PROPELLED BY ELECTRIC MOTORS USING ELECTRIC ENERGY STORED IN BATTERIES
2 OR OTHER ENERGY STORAGE DEVICES. FOR THE PURPOSES OF THIS SUBDIVISION,
3 "ELECTRIC CARS" SHALL NOT INCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY
4 DEVICES AS DEFINED BY SECTION ONE HUNDRED FOURTEEN-D OF THE VEHICLE AND
5 TRAFFIC LAW.

6 (II) "ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS" SHALL INCLUDE ANY
7 ELECTRICAL OUTLETS INTENDED TO BE USED FOR CHARGING ELECTRIC CARS,
8 INCLUDING, BUT NOT LIMITED TO 120-VOLT OUTLETS, 240-VOLT OUTLETS AND
9 CHARGING STATIONS SPECIFICALLY MANUFACTURED FOR CHARGING ELECTRIC CARS.

10 (C) TO THE EXTENT THAT A FEDERAL INCOME TAX CREDIT SHALL APPLY TO
11 EXPENDITURES ELIGIBLE FOR A CREDIT UNDER THIS SUBDIVISION, THE CREDIT
12 PROVIDED IN THIS SUBDIVISION SHALL BE REDUCED SO THAT THE COMBINED CRED-
13 IT SHALL NOT EXCEED FIFTY-FIVE PERCENT OF SUCH EXPENDITURES OR SEVEN
14 THOUSAND DOLLARS, WHICHEVER IS LESS.

15 (D) IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION SHALL
16 EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER
17 TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S
18 TAX FOR SUCH YEAR OR YEARS.

19 (E) IF ALL OR ANY PART OF THE CREDIT PROVIDED FOR UNDER THIS SUBDIVI-
20 SION WAS ALLOWED OR CARRIED OVER FROM A PRIOR TAXABLE YEAR OR YEARS, A
21 TAXPAYER SHALL REDUCE THE ALLOWABLE CREDIT FOR ADDITIONAL QUALIFYING
22 EXPENDITURES IN A SUBSEQUENT TAX YEAR BY THE AMOUNT OF THE CREDIT PREVI-
23 OUSLY ALLOWED OR CARRIED OVER; PROVIDED HOWEVER THAT A CREDIT PREVIOUSLY
24 ALLOWED OR CARRIED OVER FROM A PRIOR TAXABLE YEAR OR YEARS SHALL NOT BE
25 TAKEN INTO ACCOUNT IN DETERMINING THE ALLOWABLE CREDIT FOR THE PURCHASE
26 AND INSTALLATION OF ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS IN A
27 SUBSEQUENT PRINCIPAL RESIDENCE.

28 (F) FOR THE PURPOSE OF DETERMINING THE AMOUNT OF THE ACTUAL EXPENDI-
29 TURE INCURRED IN PURCHASING AND INSTALLING ELECTRICAL OUTLETS FOR CHARG-
30 ING ELECTRIC CARS, THE AMOUNT OF ANY FEDERAL, STATE OR LOCAL GRANT
31 RECEIVED BY THE TAXPAYER, WHICH WAS USED FOR THE PURCHASE AND/OR INSTAL-
32 LATION OF SUCH SYSTEM AND WHICH WAS NOT INCLUDED IN THE GROSS INCOME OF
33 THE TAXPAYER, SHALL NOT BE TAKEN INTO ACCOUNT.

34 S 2. Section 606 of the tax law is amended by adding a new subsection
35 (g-3) to read as follows:

36 (G-3) CREDIT FOR ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS IN
37 CERTAIN PARKING GARAGES. (1) A TAXPAYER SHALL BE ALLOWED A CREDIT FOR
38 TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN
39 AND ENDING BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWENTY AGAINST THE
40 TAX IMPOSED BY THIS ARTICLE FOR THE PURCHASE AND INSTALLATION OF ELEC-
41 TRICAL OUTLETS FOR CHARGING ELECTRIC CARS IN THE PARKING GARAGE OWNED BY
42 A CONDOMINIUM MANAGEMENT ASSOCIATION OR A COOPERATIVE HOUSING CORPO-
43 RATION, IF SUCH CONDOMINIUM OR COOPERATIVE HOUSING IS LOCATED WITHIN
44 THIS STATE. ANY TAXPAYER WHO IS A MEMBER OF THE CONDOMINIUM MANAGEMENT
45 ASSOCIATION OR WHO IS A TENANT-STOCKHOLDER IN THE COOPERATIVE HOUSING
46 CORPORATION MAY FOR THE PURPOSE OF THIS SUBSECTION CLAIM A PROPORTIONATE
47 SHARE OF THE TOTAL EXPENSE AS THE EXPENDITURE FOR THE PURPOSES OF THE
48 CREDIT ATTRIBUTABLE TO HIS PRINCIPAL RESIDENCE, IF SUCH RESIDENCE IS
49 LOCATED WITHIN THE STATE. THE TOTAL AMOUNT OF THE CREDIT SHALL BE
50 FIFTY-FIVE PERCENT OF THE EXPENDITURE INCURRED IN PURCHASING AND
51 INSTALLING ANY SUCH SYSTEM OR COMBINATION THEREOF, BUT NOT TO EXCEED THE
52 MAXIMUM CREDIT OF FIVE THOUSAND DOLLARS.

53 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL
54 HAVE THE FOLLOWING MEANINGS:

55 (I) "ELECTRIC CARS" SHALL MEAN MOTOR VEHICLES, AS DEFINED BY SECTION
56 ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, WHICH ARE

PROPELLED BY ELECTRIC MOTORS USING ELECTRIC ENERGY STORED IN BATTERIES OR OTHER ENERGY STORAGE DEVICES. FOR THE PURPOSES OF THIS SUBDIVISION, "ELECTRIC CARS" SHALL NOT INCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES AS DEFINED BY SECTION ONE HUNDRED FOURTEEN-D OF THE VEHICLE AND TRAFFIC LAW,

(II) "ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS" SHALL INCLUDE ANY ELECTRICAL OUTLETS INTENDED TO BE USED FOR CHARGING ELECTRIC CARS, INCLUDING, BUT NOT LIMITED TO 120-VOLT OUTLETS, 240-VOLT OUTLETS AND CHARGING STATIONS SPECIFICALLY MANUFACTURED FOR CHARGING ELECTRIC CARS.

(3) TO THE EXTENT THAT A FEDERAL INCOME TAX CREDIT SHALL APPLY TO EXPENDITURES ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION, THE CREDIT PROVIDED IN THIS SUBSECTION SHALL BE REDUCED SO THAT THE COMBINED CREDIT SHALL NOT EXCEED FIFTY-FIVE PERCENT OF SUCH EXPENDITURES OR SEVEN THOUSAND DOLLARS, WHICHEVER IS LESS.

(4) IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

(5) IF ALL OR ANY PART OF THE CREDIT PROVIDED FOR UNDER THIS SUBSECTION WAS ALLOWED OR CARRIED OVER FROM A PRIOR TAXABLE YEAR OR YEARS, A TAXPAYER SHALL REDUCE THE ALLOWABLE CREDIT FOR ADDITIONAL QUALIFYING EXPENDITURES IN A SUBSEQUENT TAX YEAR BY THE AMOUNT OF THE CREDIT PREVIOUSLY ALLOWED OR CARRIED OVER; PROVIDED HOWEVER THAT A CREDIT PREVIOUSLY ALLOWED OR CARRIED OVER FROM A PRIOR TAXABLE YEAR OR YEARS SHALL NOT BE TAKEN INTO ACCOUNT IN DETERMINING THE ALLOWABLE CREDIT FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS IN A SUBSEQUENT PRINCIPAL RESIDENCE.

(6) FOR THE PURPOSE OF DETERMINING THE AMOUNT OF THE ACTUAL EXPENDITURE INCURRED IN PURCHASING AND INSTALLING ELECTRICAL OUTLETS FOR CHARGING ELECTRIC CARS, THE AMOUNT OF ANY FEDERAL, STATE OR LOCAL GRANT RECEIVED BY THE TAXPAYER, WHICH WAS USED FOR THE PURCHASE AND/OR INSTALLATION OF SUCH SYSTEM AND WHICH WAS NOT INCLUDED IN THE GROSS INCOME OF THE TAXPAYER, SHALL NOT BE TAKEN INTO ACCOUNT.

S 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xli) to read as follows:

(XLI) CREDIT FOR	AMOUNT OF CREDIT
ELECTRICAL OUTLETS FOR CHARGING	UNDER SUBDIVISION
ELECTRIC CARS IN CERTAIN	FORTY-NINE OF SECTION
PARKING GARAGES UNDER SUBSECTION	TWO HUNDRED TEN-B
(G-3)	

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.