

# STATE OF NEW YORK

3592

2019-2020 Regular Sessions

## IN ASSEMBLY

January 29, 2019

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 53 to read as follows:

3 53. 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 twenty  
6 and ending before December thirty-first, two thousand twenty-four  
7 against the tax imposed by this article for the purchase and installa-  
8 tion of electrical outlets for charging electric cars in the parking  
9 garage owned by a condominium management association or a cooperative  
10 housing corporation, if such condominium or cooperative housing is  
11 located within this state. Any taxpayer who is a member of the condomi-  
12 nium management association or who is a tenant-stockholder in the cooper-  
13 ative housing corporation may for the purpose of this subdivision claim  
14 a proportionate share of the total expense as the expenditure for the  
15 purposes of the credit attributable to his principal residence, if such  
16 residence is located within the state. The total amount of the credit  
17 shall be fifty-five percent of the expenditure incurred in purchasing  
18 and installing any such system or combination thereof, but not to exceed  
19 the 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  
24 propelled by electric motors using electric energy stored in batteries

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

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1 or other energy storage devices. For the purposes of this subdivision,  
2 "electric cars" shall not include electric personal assistive mobility  
3 devices as defined by section one hundred fourteen-d of the vehicle and  
4 traffic law.

5 (ii) "electrical outlets for charging electric cars" shall include any  
6 electrical outlets intended to be used for charging electric cars,  
7 including, but not limited to 120-volt outlets, 240-volt outlets and  
8 charging stations specifically manufactured for charging electric cars.

9 (c) To the extent that a federal income tax credit shall apply to  
10 expenditures eligible for a credit under this subdivision, the credit  
11 provided in this subdivision shall be reduced so that the combined cred-  
12 it shall not exceed fifty-five percent of such expenditures or seven  
13 thousand dollars, whichever is less.

14 (d) If the amount of credit allowable under this subdivision shall  
15 exceed the taxpayer's tax for such year, the excess may be carried over  
16 to the following year or years and may be deducted from the taxpayer's  
17 tax for such year or years.

18 (e) If all or any part of the credit provided for under this subdivi-  
19 sion was allowed or carried over from a prior taxable year or years, a  
20 taxpayer shall reduce the allowable credit for additional qualifying  
21 expenditures in a subsequent tax year by the amount of the credit previ-  
22 ously allowed or carried over; provided however that a credit previously  
23 allowed or carried over from a prior taxable year or years shall not be  
24 taken into account in determining the allowable credit for the purchase  
25 and installation of electrical outlets for charging electric cars in a  
26 subsequent principal residence.

27 (f) For the purpose of determining the amount of the actual expendi-  
28 ture incurred in purchasing and installing electrical outlets for charg-  
29 ing electric cars, the amount of any federal, state or local grant  
30 received by the taxpayer, which was used for the purchase and/or instal-  
31 lation of such system and which was not included in the gross income of  
32 the taxpayer, shall not be taken into account.

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

35 (g-3) Credit for electrical outlets for charging electric cars in  
36 certain parking garages. (1) A taxpayer shall be allowed a credit for  
37 taxable years beginning on or after January first, two thousand twenty  
38 and ending before December thirty-first, two thousand twenty-four  
39 against the tax imposed by this article for the purchase and installa-  
40 tion of electrical outlets for charging electric cars in the parking  
41 garage owned by a condominium management association or a cooperative  
42 housing corporation, if such condominium or cooperative housing is  
43 located within this state. Any taxpayer who is a member of the condomin-  
44 ium management association or who is a tenant-stockholder in the cooper-  
45 ative housing corporation may for the purpose of this subsection claim a  
46 proportionate share of the total expense as the expenditure for the  
47 purposes of the credit attributable to his principal residence, if such  
48 residence is located within the state. The total amount of the credit  
49 shall be fifty-five percent of the expenditure incurred in purchasing  
50 and installing any such system or combination thereof, but not to exceed  
51 the maximum credit of five thousand dollars.

52 (2) For the purposes of this subsection, the following terms shall  
53 have the following meanings:

54 (i) "electric cars" shall mean motor vehicles, as defined by section  
55 one hundred twenty-five of the vehicle and traffic law, which are  
56 propelled by electric motors using electric energy stored in batteries

1 or other energy storage devices. For the purposes of this subdivision,  
2 "electric cars" shall not include electric personal assistive mobility  
3 devices as defined by section one hundred fourteen-d of the vehicle and  
4 traffic law.

5 (ii) "electrical outlets for charging electric cars" shall include any  
6 electrical outlets intended to be used for charging electric cars,  
7 including, but not limited to 120-volt outlets, 240-volt outlets and  
8 charging stations specifically manufactured for charging electric cars.

9 (3) To the extent that a federal income tax credit shall apply to  
10 expenditures eligible for a credit under this subsection, the credit  
11 provided in this subsection shall be reduced so that the combined credit  
12 shall not exceed fifty-five percent of such expenditures or seven thou-  
13 sand dollars, whichever is less.

14 (4) If the amount of credit allowable under this subsection shall  
15 exceed the taxpayer's tax for such year, the excess may be carried over  
16 to the following year or years and may be deducted from the taxpayer's  
17 tax for such year or years.

18 (5) If all or any part of the credit provided for under this  
19 subsection was allowed or carried over from a prior taxable year or  
20 years, a taxpayer shall reduce the allowable credit for additional qual-  
21 ifying expenditures in a subsequent tax year by the amount of the credit  
22 previously allowed or carried over; provided however that a credit  
23 previously allowed or carried over from a prior taxable year or years  
24 shall not be taken into account in determining the allowable credit for  
25 the purchase and installation of electrical outlets for charging elec-  
26 tric cars in a subsequent principal residence.

27 (6) For the purpose of determining the amount of the actual expendi-  
28 ture incurred in purchasing and installing electrical outlets for charg-  
29 ing electric cars, the amount of any federal, state or local grant  
30 received by the taxpayer, which was used for the purchase and/or instal-  
31 lation of such system and which was not included in the gross income of  
32 the taxpayer, shall not be taken into account.

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

|                                            |                               |
|--------------------------------------------|-------------------------------|
| 36 <u>(xliv) Credit for</u>                | <u>Amount of credit</u>       |
| 37 <u>electrical outlets for charging</u>  | <u>under subdivision</u>      |
| 38 <u>electric cars in certain</u>         | <u>fifty-three of section</u> |
| 39 <u>parking garages under subsection</u> | <u>two hundred ten-B</u>      |
| 40 <u>(g-3)</u>                            |                               |

41 § 4. This act shall take effect on the one hundred twentieth day after  
42 it shall have become a law. Effective immediately, the addition, amend-  
43 ment and/or repeal of any rule or regulation necessary for the implemen-  
44 tation of this act on its effective date are authorized to be made on or  
45 before such date.