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HOUSE BILL NO. 1336

Offered January 9, 2013

Prefiled November 19, 2012

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13, relating to tax credit for individuals who telework.*

Patrons—Ramadan, Comstock, Head, Webert, LeMunyon, Minchew, Robinson, Rush, Rust and Yancey

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13 as follows:

§ 58.1-339.13. Telework tax credit.

A. As used in this section, unless the context requires a different meaning:

"Telework" means the performance of normal and regular work functions by an employee on a workday at a location different from the place where work functions are normally performed and that is within or closer to the employee's residence. The term "telework" shall not include performance of work functions for a home-based business or by an individual who is self-employed. The term "telework" shall also not include extensions of the workday or work performed on a weekend or holiday.

B. For taxable years beginning on or after January 1, 2013, but before January 1, 2018, an individual shall be eligible for a \$500 credit against the tax levied pursuant to § 58.1-320 for the relevant taxable year if the individual teleworks at least 20 hours a week during at least 45 weeks in such taxable year. In order to be allowed the credit, the individual shall submit an application to the Department. The application shall include a certification from the individual's employer to the Department, on such a form or in such a manner as specified by the Department, that the individual teleworked at least 20 hours a week during at least 45 weeks for such employer in the taxable year for which the individual is applying for credit under this section. The Department shall determine whether an applicant has met the requirements of this section and shall issue the tax credit to those individuals who have met such requirements. Tax credits shall be issued to approved applicants on a first-come, first-served basis. The Department shall not issue more than \$2 million in tax credits pursuant to this section in any fiscal year of the Commonwealth and shall not issue any tax credits subsequent to June 30, 2018.

C. The amount of the credit that may be claimed by the individual for the relevant taxable year shall not exceed the total amount of tax imposed upon him by this chapter for such taxable year. No unused tax credit shall be carried forward or carried back against the individual's tax liability.

D. The Tax Commissioner shall develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

INTRODUCED

HB1336