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HOUSE BILL NO. 1651

Offered January 14, 2015

Prefiled January 9, 2015

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11, relating to tax credit for public natural gas fueling stations.*

Patron—Taylor (By Request)

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 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11 as follows:

§ 58.1-439.12:11. Natural Gas Fueling Infrastructure Tax Credit.

A. As used in this section, "qualifying station" means a compressed natural gas or liquefied natural gas fueling station that is built on or after January 1, 2016, and is open to the public.

B. For taxable years beginning on or after January 1, 2016, but before January 1, 2021, a taxpayer who owns a qualifying station shall be eligible to receive a credit against the tax levied under Article 2 (§ 58.1-320 et seq.) or 10 (§ 58.1-400 et seq.) in an amount equal to 50 percent of the fuels tax attributable to the volume of compressed natural gas or liquefied natural gas purchased for resale during the taxable year. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess may be carried over for credit against the income taxes of the taxpayer in the next year.

C. Eligible taxpayers shall provide evidence to document gallons purchased for resale to the Commissioner. In no case shall the amount of credit taken by a taxpayer pursuant to this section exceed the taxpayer's income tax liability for the taxable year. In no event shall the aggregate amount of tax credits approved exceed \$1 million per calendar year. If applications for the tax credits to the Department allowed under this section exceed \$1 million for any calendar year, the Department shall apportion the credits on a pro rata basis by dividing \$1 million by the total amount of tax credits approved by the Department, to determine the percentage of allowed tax credits each taxpayer shall receive.

2. That the Department of Taxation shall develop guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

INTRODUCED

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