

H. B. 4629

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(By Delegates Skaff, Doyle, Reynolds, Pasdon, Staggers, Guthrie,
L. Phillips, Nelson, Ferns, Barill and Marshall)

[Introduced February 20, 2012; referred to the Committee on
Energy, Industry and Labor, Economic Development and Small
Business.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §11-6D-10,
relating to permitting the transfer of tax credits for
the purchase of alternative-fuel vehicles, the conversion
to an alternative-fuel vehicle or the construction of
alternative-fuel vehicle infrastructure.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be
amended by adding thereto a new section, designated §11-6D-10,
to read as follows:

ARTICLE 6D. ALTERNATIVE-FUEL MOTOR VEHICLES TAX CREDIT.

§11-6D-10. Transfer or sale of credit.

(a) Any entity, including a governmental entity, that
would be eligible for a tax credit issued in accordance with

1 this article if that entity fits within the definition of
2 "taxpayer" as that term is defined in section two of this
3 article, may transfer the right to that tax credit to any
4 taxpayer, subject to the following conditions:

5 (1) A single transfer or sale may involve one or more
6 transferees, assignees or purchasers. A transfer or sale of
7 the credits may involve multiple transfers to one or more
8 transferees, assignees or purchasers.

9 (2) Transferors and sellers shall apply to the Tax
10 Department for approval of any transfer, sale or assignment of
11 the tax credit. Any amount of the tax credit that has been
12 transferred or assigned is subject to the same limitations and
13 conditions that apply to transferor's or seller's entitlement,
14 use and application of the credit. The application for sale,
15 transfer or assignment of the credit shall include the
16 transferor's tax credit balance prior to transfer, if any, the
17 name of the seller, the transferor's remaining tax credit
18 balance after transfer, if any, all tax identification numbers
19 for both transferor, if any, and transferee, the date of
20 transfer, the amount transferred and any other information
21 required by the Tax Commissioner.

22 (3) The Tax Commissioner may not approve the transfer or

1 assignment of a tax credit to a taxpayer if the seller or
2 transferor has an outstanding tax obligation with the State of
3 West Virginia.

4 (b) The transferee, assignee or purchaser shall apply the
5 tax credits as required by this article and is subject to all
6 conditions and limitations of this article.

7 (c) For purposes of this section, any proceeds received
8 by the transferor for its assignment or sale of the tax
9 credits allowed pursuant to this section are exempt from the
10 West Virginia consumers sales and service tax and use tax and
11 from the corporate net income tax and personal income tax.

NOTE: The purpose of this bill is to permit tax credits taken for the purchase of alternative fuel vehicles or conversion to alternative fuel vehicles or the construction of alternative fuel vehicle infrastructure to be transferred.

This section is new; therefore, it has been completely underscored.