

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 488

## 94TH GENERAL ASSEMBLY

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### INTRODUCED BY REPRESENTATIVE WASSON.

Read 1st time January 18, 2007 and copies ordered printed.

Read 2nd time January 22, 2007 and referred to the Special Committee on Job Creation and Economic Development February 5, 2007.

Reported from the Special Committee on Job Creation and Economic Development February 14, 2007 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 20, 2007 with recommendation that the bill Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection March 6, 2007. Bill ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

1190L.01P

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## AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the use of idle reduction technology.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.670, to read as follows:

**135.670. 1. As used in this section, the following terms mean:**

(1) "Class 8 truck" a heavy duty vehicle, as defined in 42 U.S.C. Section 16104, as amended, that has a gross vehicle weight in excess of thirty three thousand pounds;

(2) "Department", the department of revenue;

(3) "Idle reduction technology", shall have the same meaning ascribed in 42 U.S.C. Section 16104, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapters 143, 147, and 153, RSMo, excluding

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual  
10 taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143,  
11 RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

12 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder  
13 corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express  
14 company which pays an annual tax on its gross receipts in this state under chapter 153,  
15 RSMo, or an individual subject to the state income tax imposed by the provisions of  
16 chapter 143, RSMo. No individual or entity shall be deemed a taxpayer under this  
17 subdivision unless such individual or entity is a resident of this state.

18 2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be  
19 allowed to claim a tax credit against the taxpayer's state tax liability in an amount not to  
20 exceed fifty percent of the amount such taxpayer paid to purchase and install idle  
21 reduction technology on a class 8 truck after January 1, 2007. In no case shall the tax  
22 credit exceed thirty five hundred dollars per truck.

23 3. The amount of the tax credit claimed shall not exceed the amount of the  
24 taxpayer's state tax liability for the taxable year for which the credit is claimed. However,  
25 any tax credit that cannot be claimed in the taxable year the purchase and installation was  
26 made may be carried over to the next three succeeding taxable years until the full credit  
27 has been claimed. The tax credit allowed under this section shall be nontransferable.

28 4. The cumulative amount of tax credits which may be issued under this section in  
29 any one fiscal year shall not exceed fifteen million dollars, and the total amount of tax  
30 credits which may be issued under this section shall not exceed thirty million dollars. If  
31 the amount of tax credits claimed under this section exceeds fifteen million dollars in any  
32 one fiscal year, the director of the department of revenue shall establish a procedure by  
33 which, from the beginning of the fiscal year until some point in time later in the fiscal year  
34 to be determined by the director, the cumulative amount of tax credits are equally  
35 apportioned among all taxpayers allowed a tax credit under this section. The director may  
36 establish more than one period of time and reapportion more than once during each fiscal  
37 year. To the maximum extent possible, the director shall establish the procedure described  
38 in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits  
39 possible up to the cumulative amount of tax credits available for the fiscal year.

40 5. Not less than one hundred twenty days from the effective date of this act, the  
41 department shall promulgate rules necessary for the implementation of the provisions of  
42 this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
43 that is created under the authority delegated in this section shall become effective only if  
44 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

45 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
46 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
47 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
48 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
49 adopted after August 28, 2007, shall be invalid and void.

50 6. Under section 23.253, RSMo, of the Missouri sunset act:

51 (1) The provisions of the new program authorized under this section shall  
52 automatically sunset two years after the effective date of this section unless reauthorized  
53 by an act of the general assembly; and

54 (2) If such program is reauthorized, the program authorized under this section  
55 shall automatically sunset two years after the effective date of the reauthorization of; and

56 (3) This section shall terminate on September first of the calendar year immediately  
57 following the calendar year in which the program authorized under this section is sunset.

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