

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 488

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

1       (5) "Taxpayer", a person, firm, a partner in a firm,  
2       corporation, or a shareholder corporation franchise tax imposed  
3       by the provisions of chapter 147, RSMo, or an express company  
4       which pays an annual tax on its gross receipts in this state  
5       under chapter 153, RSMo, or an individual subject to the state  
6       income tax imposed by the provisions of chapter 143, RSMo. No  
7       individual or entity shall be deemed a taxpayer under this  
8       subdivision unless such individual or entity is a resident of  
9       this state.

10       2. For all tax years beginning on or after January 1, 2007,  
11       a taxpayer shall be allowed to claim a tax credit against the  
12       taxpayer's state tax liability in an amount not to exceed fifty  
13       percent of the amount such taxpayer paid to purchase and install  
14       idle reduction technology on a class 8 truck after January 1,  
15       2007. In no case shall the tax credit exceed three thousand five  
16       hundred dollars per truck.

17       3. The amount of the tax credit issued shall not exceed the  
18       amount of the taxpayer's state tax liability for the tax year for  
19       which the credit is claimed. If the amount of the tax credit  
20       issued exceeds the amount of the taxpayer's state tax liability  
21       for the tax year in which the purchase and installation was made,  
22       the difference shall not be refundable but may be carried forward  
23       to any of the taxpayer's three subsequent taxable years until the  
24       full credit has been claimed. No tax credit granted under this  
25       section shall be transferred, sold, or assigned.

26       4. The cumulative amount of tax credits which may be issued  
27       under this section in any one fiscal year shall not exceed ten  
28       million dollars, and the total amount of tax credits which may be

1 issued under this section shall not exceed twenty million  
2 dollars. If the amount of tax credits claimed under this section  
3 exceeds ten million dollars in any one fiscal year, the director  
4 of the department of revenue shall establish a procedure by  
5 which, from the beginning of the fiscal year until some point in  
6 time later in the fiscal year to be determined by the director,  
7 the cumulative amount of tax credits are equally apportioned  
8 among all taxpayers allowed a tax credit under this section. The  
9 director may establish more than one period of time and  
10 reapportion more than once during each fiscal year. To the  
11 maximum extent possible, the director shall establish the  
12 procedure described in this subsection in such a manner as to  
13 ensure that taxpayers can claim all the tax credits possible up  
14 to the cumulative amount of tax credits available for the fiscal  
15 year.

16 5. Not less than one hundred twenty days after August 28,  
17 2007, the department shall promulgate rules necessary to  
18 implement this section. Any rule or portion of a rule, as that  
19 term is defined in section 536.010, RSMo, that is created under  
20 the authority delegated in this section shall become effective  
21 only if it complies with and is subject to all of the provisions  
22 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
23 This section and chapter 536, RSMo, are nonseverable and if any  
24 of the powers vested with the general assembly pursuant to  
25 chapter 536, RSMo, to review, to delay the effective date, or to  
26 disapprove and annul a rule are subsequently held  
27 unconstitutional, then the grant of rulemaking authority and any  
28 rule proposed or adopted after August 28, 2007, shall be invalid

1 and void.

2 6. Under section 23.253, RSMo, of the Missouri Sunset Act:

3 (1) The provisions of the new program authorized under this  
4 section shall automatically sunset on December thirty-first two  
5 years after the effective date of this section unless  
6 reauthorized by an act of the general assembly; and

7 (2) If such program is reauthorized, the program authorized  
8 under this section shall automatically sunset on December thirty-  
9 first two years after the effective date of the reauthorization  
10 of this section; and

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

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