

SECOND REGULAR SESSION

SENATE BILL NO. 811

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3508S.011

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.

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
2 section, to be known as section 135.670, to read as follows:

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

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

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

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

8 (4) "State tax liability", in the case of a business taxpayer, any
9 liability incurred by such taxpayer pursuant to the provisions of
10 chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265,
11 RSMo, and related provisions, and in the case of an individual
12 taxpayer, any liability incurred by such taxpayer pursuant to the
13 provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265,
14 RSMo, and related provisions;

15 (5) "Taxpayer", a person, firm, a partner in a firm, corporation,
16 or a shareholder in an S corporation doing business in the state of
17 Missouri and subject to the state income tax imposed by the provisions
18 of chapter 143, RSMo, or a corporation subject to the annual
19 corporation franchise tax imposed by the provisions of chapter 147,
20 RSMo, or an express company which pays an annual tax on its gross
21 receipts in this state pursuant to chapter 153, RSMo, or an individual

22 subject to the state income tax imposed by the provisions of chapter
23 143, RSMo.

24 2. For all tax years beginning on or after January 1, 2008, a
25 taxpayer shall be allowed to claim a tax credit against the taxpayer's
26 state tax liability in an amount equal to fifty percent of the amount
27 such taxpayer paid to purchase and install idle reduction technology
28 on a class 8 truck after January 1, 2008. In no case shall the tax credit
29 exceed thirty five hundred dollars per truck.

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

37 4. Not less than one hundred and twenty days from the effective
38 date of this act, the department shall promulgate rules necessary for
39 the implementation of the provisions of this act. Any rule or portion of
40 a rule, as that term is defined in section 536.010, RSMo, that is created
41 under the authority delegated in this section shall become effective
42 only if it complies with and is subject to all of the provisions of chapter
43 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
44 chapter 536, RSMo, are nonseverable and if any of the powers vested
45 with the general assembly pursuant to chapter 536, RSMo, to review, to
46 delay the effective date, or to disapprove and annul a rule are
47 subsequently held unconstitutional, then the grant of rulemaking
48 authority and any rule proposed or adopted after August 28, 2008, shall
49 be invalid and void.

50 5. The provisions of this section shall automatically sunset two
51 years after August 28, 2008, unless reauthorized.

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