

STATE OF NEW YORK

EV Charging Station Income Tax Credit

Short Description: Income tax credit of zero to 50% of alternative fuel vehicle refueling property.

Beneficiary: Taxpayer who installs alternative fuel infrastructure in the state of New York within the allowable period.

Type of Incentive: Income Tax Credit of 50% of the cost of alternative fuel vehicle refueling property.

Effective Dates: Expires December 31, 2010

Value of Benefit: Non-cash benefit. The Taxpayer may claim the credit on New York Form IT-253.

Full Description:

A state tax credit is available for the installation of alternative fuel vehicle fueling infrastructure located in the state and used in a trade or business. The credit is equal to 50 percent of the cost of the infrastructure. This includes infrastructure for storing or dispensing an alternative fuel into the fuel tank of a motor vehicle powered by that fuel, as well as infrastructure used for charging electric vehicles. Eligible fuels include electricity. This credit has an indefinite carryforward life. (187-b(4)). This credit does not apply after December 31, 2010.

State Statutory references:

- New York Tax Law 187-b
 - http://law.onecle.com/new-york/tax/TAX0187-B_187-B.html

Other Link(s):

- <http://www.afdc.energy.gov/afdc/laws/law/NY/6017> (AFDC Website)

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§ 187-b -- Alternative fuels credit.

1. General. A taxpayer shall be allowed a credit, to be credited against the taxes imposed under sections one hundred eighty-three, one hundred eighty-four, and one hundred eighty-five of this article. Such credit, to be computed as hereinafter provided, shall be allowed for alternative fuel vehicle refueling property placed in service during the taxable year. Provided, however, that the amount of such credit allowable against the tax imposed by section one hundred eighty-four of this article shall be the excess of the credit allowed by this section over the amount of such credit allowable against the tax imposed by section one hundred eighty-three of this article.

2. Alternative fuel vehicle refueling property. The credit under this section for alternative fuel vehicle refueling property shall equal fifty percent of the cost of any such property:

(a) which is located in this state; and

(b) for which a credit is allowed under section thirty c of the internal revenue code but not including alternative fuel vehicle refueling property relating to a qualified hybrid vehicle as such vehicle is defined in subparagraph (B) of paragraph three of subsection (p) of section six hundred six of this chapter.

3. Definitions.

(a) The term "alternative fuel vehicle refueling property" means any such property which is qualified within the meaning of section thirty c of the internal revenue code, but shall not include alternative fuel vehicle refueling property relating to a qualified hybrid vehicle as such vehicle is defined in subparagraph (B) of paragraph three of subsection (p) of section six hundred six of this chapter.

(b) The term "qualified hybrid vehicle" shall have the same meaning as provided for under subparagraph (B) of paragraph three of subsection (p) of section six hundred six of this chapter.

4. Carryovers. In no event shall the credit under this section be allowed in an amount which will reduce the tax payable to less than the applicable minimum tax fixed by section one hundred eighty-three or one hundred eighty-five of this article. If, however, the amount of credit allowable under this section for any taxable year reduces the tax to such amount, any amount of credit not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

5. Credit recapture; alternative fuel vehicle refueling property. If, at any time before the end of its recovery period, alternative fuel vehicle refueling property ceases to be qualified, a recapture amount must be added back in the year in which such cessation occurs.

(i) Cessation of qualification. Alternative fuel vehicle refueling property ceases to be qualified if:

(I) the property no longer qualifies as property described in section thirty c of the internal revenue code; or

(II) fifty percent or more of the use of the property in a taxable year is other than a trade or business in this state; or

(iii) the taxpayer receiving the credit under this section sells or disposes of the property and knows or has reason to know that the property will be used in a manner described in this subparagraph.

(ii) Recapture amount. The recapture amount is equal to the credit allowable under this section multiplied by a fraction, the numerator of which is the total recovery period for the property minus the number of recovery years prior to, but not including, the recapture year, and the denominator of which is the total recovery period.

6. Termination.

The credit allowed by subdivision two of this section shall not apply in taxable years beginning after December thirty-first, two thousand ten.

(§ 187-b enacted by L. 1997, c. 389, Part A, § 127, applicable to property placed in service in taxable years beginning on or after 1-1-98; amended by L. 2002, c. 597, §§ 1-5; amended by L. 2004, c. 60, Pt. D, § 2; L. 2005, c. 310, § 1; L. 2006, c. 109, pt. W-1, § 14.)

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Tax Type(s): Personal Income Tax

General Information on New York State and New York City Income Tax Credits for Businesses

For tax year 2006

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Highlights of new credits for tax year 2007

Credit for rehabilitation of historic properties

For tax years beginning on or after January 1, 2007, a New York State income tax credit is allowed for the rehabilitation of historic properties in New York State. The credit equals 30% of the federal credit allowed to the taxpayer under Internal Revenue Code (IRC) section 47(c)(3) . However, the amount of the credit cannot exceed \$100,000. If the amount of the credit exceeds the taxpayer's tax for the year, the excess may be carried over to the following tax year or years.

Empire State commercial production credit

For tax years beginning on or after January 1, 2007, if your business is a qualified commercial production company, you may be allowed a tax credit for the production costs paid or incurred directly and predominately in the actual filming or recording of the qualified commercial in New York State. If the amount of credit exceeds the taxpayer's tax for the year, 50% of the excess credit may be refunded in the current tax year and the balance will carry forward to the following tax year. For more information on this credit, access the Governor's Office for Motion Picture and Television Development Web site (www.nylovesfilm.com).

General

New York State offers a number of significant tax incentives designed to enhance economic development, stimulate capital investment, and encourage revitalization of distressed areas. The broad ranges of these tax credits, underscore the state's commitment to attract and foster growth in the business community. These credits provide significant tax relief to businesses to encourage job creation and to ensure competitiveness in a global marketplace.

This publication identifies the available New York State and New York City business related income tax credits available to taxpayers who are taxable under Article 22 of the Tax Law (Personal Income Tax). This publication also discusses the qualifications for the credits, whether or not the credits are refundable, the income tax credit forms involved, and where to get additional information.

For purposes of this publication, the term business refers to:

- A sole-proprietor. A sole-proprietor may claim a credit against their personal income tax for any business income tax credit that the sole- proprietorship is entitled to.

For information on filing a New York State personal income tax return, see the instructions

for Form IT-201, *Resident Income Tax Return* (long form), Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*, or Form IT-205, *Fiduciary Income Tax Return*.

- A partnership. Partners in a partnership (including members of LLC's that are treated as partnerships for federal tax purposes) may claim a credit against their personal income tax for their distributive share of the credit(s) that the partnership is entitled to.

For information on filing a partnership return, see the instructions for Form IT-204, *Partnership Return*.

- A New York S corporation. New York S corporation shareholders may claim a credit against their personal income tax for their pro rata share of the credit(s) that the New York S corporation is entitled to. See *Credits available to New York S corporation shareholders*, on page 54 of this publication.

For information on filing a franchise tax return (including claim forms for tax credits) for a New York S corporation, see the instructions for Form CT-3-S, *New York S Corporation Franchise Tax Return*.

For information on additional income tax credits available to individuals, see Publication 99-IND, *General Information on New York State and New York City Income Tax Credits for Individuals — For tax year 2006*.

Alternative fuels credit

Tax Law sections 282, 300, 301-c, 1101, 1102, 1111, 1115, 187- b, 210, 606(p), 959-b, and 14

Beginning with tax year 2006, the alternative fuels credit has been reinstated for alternative-fuel vehicle refueling property (previously referred to as clean-fuel vehicle refueling property). The credit is available only when the property is used in a trade or business located in New York State. The property must be placed in service in tax years beginning after 2005 and before 2011. The revised credit does not allow a credit for electric vehicles, clean-fuel vehicle property, or qualified hybrid vehicles.

Alternative-fuel vehicle refueling property, defined by Internal Revenue Code (IRC) section 30C , includes property, other than buildings and structural components of buildings, used to store and dispense a clean-burning fuel into the tank of a motor vehicle propelled by the fuel. The storage or dispensing of the fuel must be located at the point where the fuel is delivered into the fuel tank of the motor vehicle. For the recharging of motor vehicles propelled by electricity, the property must be located at the point where the motor vehicles are recharged. The property must be eligible for the depreciation deduction, and the original use must commence with your business.

Leased property — If your business acquires property for use in your leasing business, and not for resale, you may qualify for the New York credit if the property qualifies for a federal credit. However, leases to public (governmental) or tax-exempt (charitable) organizations generally do not qualify for a federal credit, and therefore would not qualify for the New York credit.

The credit for alternative-vehicle refueling property is equal to 50% of the cost of the property that:

- is located in New York State, **and**
- is used 50% or more during the tax year in a trade or business carried on in New York State, **and**
- qualifies for a credit under IRC section 30C , but does not include alternative-fuel vehicle refueling property related to a qualified hybrid vehicle as this vehicle is defined in Tax Law section 606(p)(3)(B) .

The alternative fuels credit is not refundable. However, any amount of credit or carryover of credit not deductible in the current tax year may be carried over to be deducted for the following year or years.

If you claim the alternative fuels credit and the property is disposed of, modified, or removed from qualified use, you may have to recapture all or part of the credit you claimed.

To claim this credit, you must complete Form IT-253, *Claim for Alternative Fuels Credit*, and attach it to your Form IT-201, IT-203, IT- 204, or IT-205.

Alternative fuels credit carryover – Tax years prior to 2005

Tax Law sections 606(p) and 606(i)

Tax year 2004 was the last year you could claim the original alternative fuels credit. However, any unused credit from a prior year in which the credit was allowed can be carried over to tax years after 2004.

If you previously claimed the alternative fuels credit and that property was disposed of, modified, or removed from qualified use, you may have to recapture part of the credit you claimed in prior years. For more information, see Form IT-253, *Claim for Alternative Fuels Credit*, and the instructions for Form IT-253.

Automated external defibrillator credit

Tax Law sections 606(s) and 606(i)

If your business purchases an automated external defibrillator, you may be entitled to the automated external defibrillator credit. However, the credit is not allowed for an automated defibrillator purchased for resale.

An *automated external defibrillator*, as defined under Public Health Law section 3000-b , is a medical device approved by the United States Food and Drug Administration, that:

- is capable of recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia;
- is capable of determining, without intervention by an operator, whether defibrillation should be performed on the patient;
- upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the patient's heart; and
- then, upon action by an operator, delivers an appropriate electrical impulse to the patient's heart to perform defibrillation.

The credit is equal to the lesser of the purchase cost of the unit, or \$500. There is no limit on the number of units purchased during the tax year for which the credit may be taken. However, the credit cannot exceed \$500 for **each** unit purchased.

The automated external defibrillator credit is not refundable, and any unused credit cannot be carried forward to a future year.

To claim this credit, you must complete Form IT-250, *Claim for Credit for Purchase of an Automated External Defibrillator*, and attach it to your Form IT-201, IT-203, IT-204, or IT-205.

Biofuel production credit



Claim for Alternative Fuels Credit

IT-253

Attach this form to Form IT-201, IT-203, IT-204, or IT-205 (see instructions, Form IT-253-I, for assistance).

Name(s) as shown on return	Type of business (if applicable)	Identifying number as shown on return
----------------------------	----------------------------------	---------------------------------------

Complete this form if you are claiming the alternative fuels credit for alternative-fuel vehicle refueling property.

Schedule A – Individuals, including sole proprietorships, partnerships, estates, and trusts Credit for alternative-fuel vehicle refueling property (see instructions)

A	B	C	D
Date alternative-fuel vehicle refueling property placed in service	Cost of alternative-fuel vehicle refueling property	Rate	Column C x column B
		.50	
		.50	

1 Total credit for alternative-fuel vehicle refueling property (add column D amounts) 1. .

Fiduciaries – Include the line 1 amount in the total line of Schedule D, column C, below.

All others – Enter the line 1 amount on Schedule E, line 6, on the back.

Schedule B – Partnership, New York S corporation, estate, and trust information

If you were a partner in a partnership, a shareholder of a New York S corporation, or a beneficiary of an estate or trust and received a share of the credit for alternative fuels from that entity, complete the following information for each partnership, New York S corporation, estate, or trust. For *Type*, enter **P** for partnership, **S** for S corporation, or **ET** for estate or trust.

Name	Type	Employer ID number
		<input type="text"/>
		<input type="text"/>
		<input type="text"/>

Schedule C – Partner’s, shareholder’s, or beneficiary’s share of credit

Partner	2	Enter your share of the credit from your partnership (see instructions)	2.	<input type="text"/>	.	<input type="text"/>
S corporation shareholder	3	Enter your share of the credit from your S corporation (see instr.)....	3.	<input type="text"/>	.	<input type="text"/>
Beneficiary	4	Enter your share of the credit from the fiduciary’s Form IT-253, Schedule D, column C.....	4.	<input type="text"/>	.	<input type="text"/>
	5	Total (add lines 2, 3, and 4).....	5.	<input type="text"/>	.	<input type="text"/>

Fiduciaries – Include the line 5 amount in the total line of Schedule D, column C, below.

All others – Transfer the line 5 amount to Schedule E, line 7, on the back.

Schedule D – Beneficiary’s and fiduciary’s share of credit and recapture of credit

A	B	C	D
Beneficiary’s name (same as on Form IT-205, Schedule C)	Identifying number	Share of alternative fuels credit	Share of recapture of credit
Total			
	<input type="text"/>		
	<input type="text"/>		
Fiduciary	<input type="text"/>		



Schedule E – Computation of credit

Individuals and partnerships	6	Enter the amount from Schedule A, line 1	6.		.	
Partners, S corporation shareholders, beneficiaries	7	Enter the total from Schedule C, line 5	7.		.	
Fiduciaries	8	Enter the amount from Schedule D, <i>Fiduciary</i> line, column C	8.		.	
	9	Enter the carryover credit from your 2008 Form IT-253, line 16.....	9.		.	

10 Total credit (add lines 6 through 9) **10.** .

Individuals – Enter the line 10 amount and code **253** on Form IT-201-ATT, line 6 or Form IT-203-ATT, line 7.

Partnerships – Enter the line 10 amount and code **253** on Form IT-204, line 147.

Fiduciaries – Include the line 10 amount on Form IT-205, line 10.

Schedule F – Recapture of alternative-fuel vehicle refueling property credit

A Tax year credit allowed	B Total recovery period	C Years in service prior to recapture year	D Recapture years <i>(column B - column C)</i>	E Recapture percentage <i>(column D ÷ column B)</i>	F Original credit allowed	G Credit recapture <i>(column F × column E)</i>

11 Recaptured alternative-fuel vehicle refueling property credit (add column G amounts; see instructions) .. **11.** .

12 Partner in a partnership, shareholder of an S corporation, or beneficiary of an estate or trust, enter your share of the recapture of the credit (see instructions) **12.** .

13 Total recaptured alternative fuels credit (add lines 11 and 12) **13.** .

Individuals – Enter the line 13 amount and code **253** on Form IT-201-ATT, line 20 or Form IT-203-ATT, line 19.

Partnerships – Enter the line 13 amount and code **253** on Form IT-204, line 148.

Fiduciaries – Include the line 13 amount on the *Total* line of Schedule D, column D. Transfer the amount from the *Fiduciary* line, Schedule D, column D, to Form IT-205, line 12.

Schedule G – Application of credit and computation of carryover

(See the instructions to determine if you must complete this schedule.)

14 Total credit (from line 10 above)..... **14.** .

15 Amount you applied against your 2009 tax **15.** .

16 Amount of credit available for carryover to 2010 (subtract line 15 from line 14) **16.** .

