

Subsec. (h)(8). Pub. L. 111-5, §1143(c), inserted at end “, except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.”

Subsecs. (i) to (k). Pub. L. 111-5, §1143(a), added subsec. (i) and redesignated former subsecs. (i) and (j) as (j) and (k), respectively.

2008—Subsec. (d)(3)(D). Pub. L. 110-343 added subpar. (D).

2005—Subsec. (g)(2)(A). Pub. L. 109-135, §412(d), substituted “regular tax liability (as defined in section 26(b))” for “regular tax”.

Subsec. (h)(6). Pub. L. 109-135, §402(j), inserted at end “For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-169 applicable to vehicles placed in service after Dec. 31, 2022, see section 13401(k)(1) of Pub. L. 117-169, set out in an Effective Date of 2022 Amendment; Transition Rule note under section 30D of this title.

##### EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. EE, title I, §142(b), Dec. 27, 2020, 134 Stat. 3054, provided that: “The amendment made by this section [amending this section] shall apply to property purchased after December 31, 2020.”

##### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-94, div. Q, title I, §124(b), Dec. 20, 2019, 133 Stat. 3231, provided that: “The amendment made by this section [amending this section] shall apply to property purchased after December 31, 2017.”

##### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-123, div. D, title I, §40403(b), Feb. 9, 2018, 132 Stat. 148, provided that: “The amendment made by this section [amending this section] shall apply to property purchased after December 31, 2016.”

##### EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-113, div. Q, title I, §193(b), Dec. 18, 2015, 129 Stat. 3076, provided that: “The amendment made by this section [amending this section] shall apply to property purchased after December 31, 2014.”

##### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-295, div. A, title II, §218(c), Dec. 19, 2014, 128 Stat. 4035, provided that: “The amendments made by this section [amending this section and section 30C of this title] shall take effect as if included in the provision of the Energy Tax Incentives Act of 2005 [Pub. L. 109-58, title XIII] to which it relates.”

##### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 applicable to taxable years beginning after Dec. 31, 2011, see section 104(d) of Pub. L. 112-240, set out as a note under section 23 of this title.

##### EFFECTIVE AND TERMINATION DATES OF 2010 AMENDMENT

Amendment by Pub. L. 111-148 terminated applicable to taxable years beginning after Dec. 31, 2011, and section is amended to read as if such amendment had never been enacted, see section 10909(c) of Pub. L. 111-148, set out as a note under section 1 of this title.

Amendment by Pub. L. 111-148 applicable to taxable years beginning after Dec. 31, 2009, see section 10909(d) of Pub. L. 111-148, set out as a note under section 1 of this title.

##### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-5, div. B, title I, §1141(c), Feb. 17, 2009, 123 Stat. 328, provided that: “The amendments made by

this section [amending this section and sections 30D, 38, 1016, and 6501 of this title] shall apply to vehicles acquired after December 31, 2009.”

Amendment by section 1142(b)(2) of Pub. L. 111-5 applicable to vehicles acquired after Feb. 17, 2009, see section 1142(c) of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 24 of this title.

Pub. L. 111-5, div. B, title I, §1143(d), Feb. 17, 2009, 123 Stat. 332, provided that: “The amendments made by this section [amending this section] shall apply to property placed in service after the date of the enactment of this Act [Feb. 17, 2009].”

Amendment by section 1144(a) of Pub. L. 111-5 applicable to taxable years beginning after Dec. 31, 2008, see section 1144(c) of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 24 of this title.

##### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-343 applicable to taxable years beginning after Dec. 31, 2008, see section 205(e) of Pub. L. 110-343, set out as an Effective and Termination Dates of 2008 Amendment note under section 24 of this title.

##### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by section 402(j) of Pub. L. 109-135 effective as if included in the provision of the Energy Policy Act of 2005, Pub. L. 109-58, to which such amendment relates, see section 402(m)(1) of Pub. L. 109-135, set out as an Effective and Termination Dates of 2005 Amendments note under section 23 of this title.

##### EFFECTIVE DATE

Pub. L. 109-58, title XIII, §1341(c), Aug. 8, 2005, 119 Stat. 1049, provided that: “The amendments made by this section [enacting this section and amending sections 38, 55, 1016, and 6501 of this title] shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.”

### § 30C. Alternative fuel vehicle refueling property credit

#### (a) Credit allowed

There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent (6 percent in the case of property of a character subject to depreciation) of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

#### (b) Limitation

The credit allowed under subsection (a) with respect to any single item of qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year shall not exceed—

- (1) \$100,000 in the case of any such item of property of a character subject to an allowance for depreciation, and
- (2) \$1,000 in any other case.

#### (c) Qualified alternative fuel vehicle refueling property

For purposes of this section—

##### (1) In general

The term “qualified alternative fuel vehicle refueling property” has the same meaning as the term “qualified clean-fuel vehicle refueling property” would have under section 179A if—

- (A) paragraph (1) of section 179A(d) did not apply to property installed on property

which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

(ii) Any mixture—

(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

(iii) Electricity.

**(2) Bidirectional charging equipment**

Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.

**(3) Property required to be located in eligible census tracts**

**(A) In general**

Property shall not be treated as qualified alternative fuel vehicle refueling property unless such property is placed in service in an eligible census tract.

**(B) Eligible census tract**

**(i) In general**

For purposes of this paragraph, the term “eligible census tract” means any population census tract which—

(I) is described in section 45D(e), or

(II) is not an urban area.

**(ii) Urban area**

For purposes of clause (i)(II), the term “urban area” means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.

**(d) Application with other credits**

**(1) Business credit treated as part of general business credit**

So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

**(2) Personal credit**

The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and section 27, over

(B) the tentative minimum tax for the taxable year.

**(e) Special rules**

For purposes of this section—

**(1) Reduction in basis**

For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (d)).

**(2) Property used by tax-exempt entity**

In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)). For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.

**(3) Property used outside United States not qualified**

No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

**(4) Election not to take credit**

No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

**(5) Recapture rules**

Rules similar to the rules of section 179A(e)(4) shall apply.

**(6) Reference**

For purposes of this section, any reference to section 179A shall be treated as a reference to such section as in effect immediately before its repeal.

**(f) Special rule for electric charging stations for certain vehicles with 2 or 3 wheels**

For purposes of this section—

**(1) In general**

The term “qualified alternative fuel vehicle refueling property” includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

(A) meets the requirements of subsection (a)(2),<sup>1</sup> and

(B) is of a character subject to depreciation.

<sup>1</sup> So in original. There is no subsec. (a)(2) in this section.

**(2) Motor vehicle**

A motor vehicle is described in this paragraph if the motor vehicle—

(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

(B) has 2 or 3 wheels, and

(C) is propelled by electricity.

**(g) Wage and apprenticeship requirements****(1) Increased credit amount****(A) In general**

In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

**(B) Qualified alternative fuel vehicle refueling project**

For purposes of this subsection, the term “qualified alternative fuel vehicle refueling project” means a project consisting of one or more properties that are part of a single project.

**(C) Project requirements**

A project meets the requirements of this subparagraph if it is one of the following:

(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

**(2) Prevailing wage requirements****(A) In general**

The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

**(B) Correction and penalty related to failure to satisfy wage requirements**

Rules similar to the rules of section 45(b)(7)(B) shall apply.

**(3) Apprenticeship requirements**

Rules similar to the rules of section 45(b)(8) shall apply.

**(4) Regulations and guidance**

The Secretary shall issue such regulations or other guidance as the Secretary determines

necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

**(h) Regulations**

The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

**(i) Termination**

This section shall not apply to any property placed in service after December 31, 2032.

(Added Pub. L. 109–58, title XIII, §1342(a), Aug. 8, 2005, 119 Stat. 1049; amended Pub. L. 109–135, title IV, §§402(k), 412(d), Dec. 21, 2005, 119 Stat. 2615, 2636; Pub. L. 110–172, §6(b), Dec. 29, 2007, 121 Stat. 2479; Pub. L. 110–343, div. B, title II, §207(a), (b), Oct. 3, 2008, 122 Stat. 3839; Pub. L. 111–5, div. B, title I, §§1123(a), 1142(b)(3), 1144(b)(2), Feb. 17, 2009, 123 Stat. 325, 331, 332; Pub. L. 111–312, title VII, §711(a), Dec. 17, 2010, 124 Stat. 3315; Pub. L. 112–240, title IV, §402(a), Jan. 2, 2013, 126 Stat. 2337; Pub. L. 113–295, div. A, title I, §161(a), title II, §§218(b), 221(a)(34)(B), Dec. 19, 2014, 128 Stat. 4023, 4035, 4042; Pub. L. 114–113, div. Q, title I, §182(a), Dec. 18, 2015, 129 Stat. 3072; Pub. L. 115–123, div. D, title I, §4040(a), Feb. 9, 2018, 132 Stat. 148; Pub. L. 115–141, div. U, title IV, §401(b)(3), Mar. 23, 2018, 132 Stat. 1201; Pub. L. 116–94, div. Q, title I, §125(a), Dec. 20, 2019, 133 Stat. 3231; Pub. L. 116–260, div. EE, title I, §143(a), Dec. 27, 2020, 134 Stat. 3054; Pub. L. 117–169, title I, §§13404(a)–(e), 13704(b)(2), Aug. 16, 2022, 136 Stat. 1966–1968, 2002.)

**AMENDMENT OF SUBSECTION (c)(1)(B)**

*Pub. L. 117–169, title I, §13704(b)(2), (c), Aug. 16, 2022, 136 Stat. 2002, 2003, provided that, applicable to transportation fuel produced after Dec. 31, 2024, subsection (c)(1)(B) of this section is amended by adding at the end the following new clause (iv):*

*(iv) Any transportation fuel (as defined in section 45Z(d)(5)).*

*See 2022 Amendment note below.*

**Editorial Notes****REFERENCES IN TEXT**

Section 179A as in effect immediately before its repeal, referred to in subsec. (e)(6), means section 179A of this title as in effect before it was repealed by Pub. L. 113–295, div. A, title II, §221(a)(34)(A), Dec. 19, 2014, 128 Stat. 4042, effective Dec. 19, 2014.

**AMENDMENTS**

2022—Subsec. (a). Pub. L. 117–169, §13404(b)(1), inserted “(6 percent in the case of property of a character subject to depreciation)” after “30 percent”.

Subsec. (b). Pub. L. 117–169, §13404(b)(2)(A), in introductory provisions, substituted “with respect to any single item of” for “with respect to all” and struck out “at a location” after “taxable year”.

Subsec. (b)(1). Pub. L. 117–169, §13404(b)(2)(B), substituted “\$100,000 in the case of any such item of property” for “\$30,000 in the case of a property”.

Subsec. (c). Pub. L. 117–169, §13404(b)(3), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to qualified alternative fuel vehicle refueling property.

Subsec. (c)(1)(B)(iv). Pub. L. 117-169, § 13704(b)(2), added cl. (iv).

Subsec. (c)(3). Pub. L. 117-169, § 13404(e), added par. (3).  
Subsec. (f). Pub. L. 117-169, § 13404(c), added subsec. (f). Former subsec. (f) redesignated (g), then (h).

Subsec. (g). Pub. L. 117-169, § 13404(d), added subsec. (g). Former subsec. (g) redesignated (h), then (i).

Pub. L. 117-169, § 13404(a), substituted “December 31, 2032” for “December 31, 2021”.

Subsecs. (h), (i). Pub. L. 117-169, § 13404(c), (d), successively redesignated subsecs. (f) and (g) as (h) and (i), respectively.

2020—Subsec. (g). Pub. L. 116-260 substituted “December 31, 2021” for “December 31, 2020”.

2019—Subsec. (g). Pub. L. 116-94 substituted “December 31, 2020” for “December 31, 2017”.

2018—Subsec. (e)(6), (7). Pub. L. 115-141 redesignated par. (7) as (6) and struck out former par. (6) which related to special rule for property placed in service during 2009 and 2010.

Subsec. (g). Pub. L. 115-123 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (g). Pub. L. 114-113 substituted “December 31, 2016” for “December 31, 2014”.

2014—Subsec. (e)(1). Pub. L. 113-295, § 218(b), amended par. (1) generally. Prior to amendment, text read as follows: “The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).”

Subsec. (e)(7). Pub. L. 113-295, § 221(a)(34)(B), added par. (7).

Subsec. (g). Pub. L. 113-295, § 161(a), substituted “placed in service after December 31, 2014.” for “placed in service—

“(1) in the case of property relating to hydrogen, after December 31, 2014, and

“(2) in the case of any other property, after December 31, 2013.”

2013—Subsec. (g)(2). Pub. L. 112-240 substituted “December 31, 2013” for “December 31, 2011.”

2010—Subsec. (g)(2). Pub. L. 111-312 substituted “December 31, 2011.” for “December 31, 2010”.

2009—Subsec. (d)(2)(A). Pub. L. 111-5, § 1144(b)(2), substituted “section 27” for “sections 27 and 30B”.

Pub. L. 111-5, § 1142(b)(3), struck out “, 30,” before “and 30B”.

Subsec. (e)(6). Pub. L. 111-5, § 1123(a), added par. (6).  
2008—Subsec. (c)(2)(C). Pub. L. 110-343, § 207(b), added subpar. (C).

Subsec. (g)(2). Pub. L. 110-343, § 207(a), substituted “December 31, 2010” for “December 31, 2009”.

2007—Subsec. (b). Pub. L. 110-172, § 6(b)(1), reenacted heading without change and amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: “The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—”.

Subsec. (c). Pub. L. 110-172, § 6(b)(2), reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘qualified alternative fuel vehicle refueling property’ has the meaning given to such term by section 179A(d), but only with respect to any fuel—

“(A) at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen, or

“(B) any mixture of biodiesel (as defined in section 40A(d)(1)) and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel.

“(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.”

2005—Subsec. (d)(2)(A). Pub. L. 109-135, § 412(d), substituted “regular tax liability (as defined in section 26(b))” for “regular tax”.

Subsec. (e)(2). Pub. L. 109-135, § 402(k), inserted at end “For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-169, title I, § 13404(f), Aug. 16, 2022, 136 Stat. 1968, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [amending this section] shall apply to property placed in service after December 31, 2022.

“(2) EXTENSION.—The amendments made by subsection (a) [amending this section] shall apply to property placed in service after December 31, 2021.”

Amendment by section 13704(b)(2) of Pub. L. 117-169 applicable to transportation fuel produced after Dec. 31, 2024, see section 13704(c) of Pub. L. 117-169, set out as an Effective Date note under section 45Z of this title.

#### EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. EE, title I, § 143(b), Dec. 27, 2020, 134 Stat. 3054, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2020.”

#### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-94, div. Q, title I, § 125(b), Dec. 20, 2019, 133 Stat. 3231, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2017.”

#### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-123, div. D, title I, § 40404(b), Feb. 9, 2018, 132 Stat. 148, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2016.”

#### EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-113, div. Q, title I, § 182(b), Dec. 18, 2015, 129 Stat. 3072, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2014.”

#### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-295, div. A, title I, § 161(b), Dec. 19, 2014, 128 Stat. 4023, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2013.”

Amendment by section 218(b) of Pub. L. 113-295 effective as if included in the provision of the Energy Tax Incentives Act of 2005, Pub. L. 109-58, title XIII, to which such amendment relates, see section 218(c) of Pub. L. 113-295, set out as a note under section 30B of this title.

Amendment by section 221(a)(34)(B) of Pub. L. 113-295 effective Dec. 19, 2014, subject to a savings provision, see section 221(b) of Pub. L. 113-295, set out as a note under section 1 of this title.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-240, title IV, § 402(b), Jan. 2, 2013, 126 Stat. 2337, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2011.”

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-312, title VII, § 711(b), Dec. 17, 2010, 124 Stat. 3315, provided that: “The amendment made by this section [amending this section] shall apply to property placed in service after December 31, 2010.”

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-5, div. B, title I, § 1123(b), Feb. 17, 2009, 123 Stat. 325, provided that: “The amendment made by this

section [amending this section] shall apply to taxable years beginning after December 31, 2008.”

Amendment by section 1142(b)(3) of Pub. L. 111-5 applicable to vehicles acquired after Feb. 17, 2009, see section 1142(c) of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 24 of this title.

Amendment by section 1144(b)(2) of Pub. L. 111-5 applicable to taxable years beginning after Dec. 31, 2008, see section 1144(c) of Pub. L. 111-5, set out as an Effective and Termination Dates of 2009 Amendment note under section 24 of this title.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-343, div. B, title II, §207(c), Oct. 3, 2008, 122 Stat. 3840, provided that: “The amendments made by this section [amending this section] shall apply to property placed in service after the date of the enactment of this Act [Oct. 3, 2008], in taxable years ending after such date.”

#### EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-172, §6(e), Dec. 29, 2007, 121 Stat. 2481, provided that:

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section [amending this section and sections 41, 45J, 4041, 4042, 4082, and 6430 of this title, and enacting provisions set out as a note under section 6430 of this title] shall take effect as if included in the provisions of the Energy Policy Act of 2005 [Pub. L. 109-58] to which they relate.

“(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) [amending section 4041 of this title] shall apply to fuel sold for use or used after the date of the enactment of this Act [Dec. 29, 2007].

“(3) AMENDMENT MADE BY THE SAFETEA-LU.—The amendment made by subsection (d)(2)(C)(i) [amending section 4082 of this title] shall take effect as if included in section 11161 of the SAFETEA-LU [Pub. L. 109-59].”

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by section 402(k) of Pub. L. 109-135 effective as if included in the provision of the Energy Policy Act of 2005, Pub. L. 109-58, to which such amendment relates, see section 402(m)(1) of Pub. L. 109-135, set out as an Effective and Termination Dates of 2005 Amendments note under section 23 of this title.

#### EFFECTIVE DATE

Pub. L. 109-58, title XIII, §1342(c), Aug. 8, 2005, 119 Stat. 1051, provided that: “The amendments made by this section [enacting this section and amending sections 38, 55, 1016, and 6501 of this title] shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.”

#### SAVINGS PROVISION

For provisions that nothing in amendment by Pub. L. 115-141 be construed to affect treatment of certain transactions occurring, property acquired, or items of income, loss, deduction, or credit taken into account prior to Mar. 23, 2018, for purposes of determining liability for tax for periods ending after Mar. 23, 2018, see section 401(e) of Pub. L. 115-141, set out as a note under section 23 of this title.

### § 30D. Clean vehicle credit

#### (a) Allowance of credit

There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new clean vehicle placed in service by the taxpayer during the taxable year.

#### (b) Per vehicle dollar limitation

##### (1) In general

The amount determined under this subsection with respect to any new clean vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

##### (2) Base amount

The amount determined under this paragraph is \$2,500.

##### (3) Battery capacity

In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is \$417, plus \$417 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed \$5,000.

#### (c) Application with other credits

##### (1) Business credit treated as part of general business credit

So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

##### (2) Personal credit

For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

#### (d) New clean vehicle

For purposes of this section—

##### (1) In general

The term “new clean vehicle” means a motor vehicle—

(A) the original use of which commences with the taxpayer,

(B) which is acquired for use or lease by the taxpayer and not for resale,

(C) which is made by a qualified manufacturer,

(D) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

(E) which has a gross vehicle weight rating of less than 14,000 pounds,

(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

(i) has a capacity of not less than 7 kilowatt hours, and

(ii) is capable of being recharged from an external source of electricity,

(G) the final assembly of which occurs within North America, and

(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

(i) the name and taxpayer identification number of the taxpayer,