

108TH CONGRESS  
1ST SESSION

# S. 265

To amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2003

Mrs. BOXER (for herself, Mr. SCHUMER, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “SUV Business Tax  
5 Loophole Closure Act”.

### 6 **SEC. 2. INCLUSION OF SPORTS UTILITY VEHICLES IN LIM-** 7 **TATION ON DEPRECIATION OF CERTAIN LUX-** 8 **URY AUTOMOBILES.**

9 (a) IN GENERAL.—Section 280F(d)(5)(A) of the In-  
10 ternal Revenue Code of 1986 (defining passenger auto-

1 mobile) is amended by striking clause (ii) and all that fol-  
 2 lows and inserting the following new clause:

3 “(ii)(I) except as provided in sub-  
 4 clause (II) or (III), which is rated at 6,000  
 5 pounds unloaded gross vehicle weight or  
 6 less,

7 “(II) in the case of a truck or van,  
 8 which is rated at 6,000 pounds gross vehi-  
 9 cle weight or less, or

10 “(III) in the case of a sports utility  
 11 vehicle not described in subclause (I),  
 12 which is rated at more than 6,000 pounds  
 13 but not more than 14,000 pounds gross ve-  
 14 hicle weight.”.

15 (b) DEFINITION.—Section 280F(d)(5) of the Internal  
 16 Revenue Code of 1986 is amended by adding at the end  
 17 the following new subparagraph:

18 “(C) SPORTS UTILITY VEHICLES.—The  
 19 term ‘sports utility vehicle’ does not include any  
 20 vehicle which—

21 “(I) does not have the primary  
 22 load carrying device or container at-  
 23 tached,

24 “(II) has a seating capacity of  
 25 more than 12 individuals,

1 “(III) is designed for more than  
2 9 individuals in seating rearward of  
3 the driver’s seat,

4 “(IV) is equipped with an open  
5 cargo area, or a covered box not read-  
6 ily accessible from the passenger com-  
7 partment, of at least 72.0 inches in  
8 interior length, or

9 “(V) has an integral enclosure,  
10 fully enclosing the driver compartment  
11 and load carrying device, does not  
12 have seating rearward of the driver’s  
13 seat, and has no body section pro-  
14 truding more than 30 inches ahead of  
15 the leading edge of the windshield.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to property placed in service after  
18 the date of the enactment of this Act.

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