

109TH CONGRESS
1ST SESSION

H. R. 652

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Mr. LEWIS of Kentucky (for himself, Mr. BAKER, Mr. BEAUPREZ, Mr. BERRY, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOSWELL, Mrs. CAPITO, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GORDON, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. HAYWORTH, Mr. HOLDEN, Mr. JOHNSON of Illinois, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. MCINTYRE, Mr. MATHESON, Mr. GARY G. MILLER of California, Mrs. NORTHUP, Mr. PETRI, Mr. PLATTS, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. SHAW, Mr. SHUSTER, Mr. SIMMONS, Mr. TERRY, Mr. WAMP, Mr. WELLER, Mr. WICKER, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fuel Tax Equalization
3 Credit for Substantial Power Takeoff Vehicles Act of
4 2005”.

5 **SEC. 2. CREDIT FOR TAXPAYERS OWNING COMMERCIAL**
6 **POWER TAKEOFF VEHICLES.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of
9 1986 (relating to business-related credits) is amended by
10 adding at the end the following new section:

11 **“SEC. 45J. COMMERCIAL POWER TAKEOFF VEHICLES**
12 **CREDIT.**

13 “(a) GENERAL RULE.—For purposes of section 38,
14 the amount of the commercial power takeoff vehicles credit
15 determined under this section for the taxable year is \$250
16 for each qualified commercial power takeoff vehicle owned
17 by the taxpayer as of the close of the calendar year in
18 which or with which the taxable year of the taxpayer ends.

19 “(b) DEFINITIONS.—For purposes of this section—

20 “(1) QUALIFIED COMMERCIAL POWER TAKEOFF
21 VEHICLE.—The term ‘qualified commercial power
22 takeoff vehicle’ means any highway vehicle described
23 in paragraph (2) which is propelled by any fuel sub-
24 ject to tax under section 4041 or 4081 if such vehi-
25 cle is used in a trade or business or for the produc-

1 tion of income (and is licensed and insured for such
2 use).

3 “(2) HIGHWAY VEHICLE DESCRIBED.—A high-
4 way vehicle is described in this paragraph if such ve-
5 hicle is—

6 “(A) designed to engage in the daily collec-
7 tion of refuse or recyclables from homes or
8 businesses and is equipped with a mechanism
9 under which the vehicle’s propulsion engine pro-
10 vides the power to operate a load compactor, or

11 “(B) designed to deliver ready mixed con-
12 crete on a daily basis and is equipped with a
13 mechanism under which the vehicle’s propulsion
14 engine provides the power to operate a mixer
15 drum to agitate and mix the product en route
16 to the delivery site.

17 “(c) EXCEPTION FOR VEHICLES USED BY GOVERN-
18 MENTS, ETC.—No credit shall be allowed under this sec-
19 tion for any vehicle owned by any person at the close of
20 a calendar year if such vehicle is used at any time during
21 such year by—

22 “(1) the United States or an agency or instru-
23 mentality thereof, a State, a political subdivision of
24 a State, or an agency or instrumentality of one or
25 more States or political subdivisions, or

1 “(2) an organization exempt from tax under
2 section 501(a).

3 “(d) DENIAL OF DOUBLE BENEFIT.—The amount of
4 any deduction under this subtitle for any tax imposed by
5 subchapter B of chapter 31 or part III of subchapter A
6 of chapter 32 for any taxable year shall be reduced (but
7 not below zero) by the amount of the credit determined
8 under this subsection for such taxable year.”.

9 (b) CREDIT MADE PART OF GENERAL BUSINESS
10 CREDIT.—Subsection (b) of section 38 of the Internal
11 Revenue Code of 1986 (relating to general business credit)
12 is amended by striking “plus” at the end of paragraph
13 (18), by striking the period at the end of paragraph (19)
14 and inserting “, plus”, and by adding at the end the fol-
15 lowing new paragraph:

16 “(20) the commercial power takeoff vehicles
17 credit under section 45J(a).”.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for subpart D of part IV of subchapter A of chapter 1
20 of the Internal Revenue Code of 1986 is amended by add-
21 ing at the end the following new item:

“Sec. 45J. Commercial power takeoff vehicles credit.”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years ending after De-
24 cember 31, 2004.