

111TH CONGRESS
1ST SESSION

H. R. 2285

To amend the Internal Revenue Code of 1986 to allow a business credit
for the acquisition of fleet vehicles.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2009

Mr. PETERS 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
business credit for the acquisition of fleet vehicles.

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 “Vehicle Efficiency
5 Heightening Investment Credit to Lift our Economy Act
6 of 2009”.

7 **SEC. 2. CREDIT FOR FLEET VEHICLES.**

8 (a) IN GENERAL.—Subpart D of part IV of sub-
9 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 is amended by inserting after section 45Q the fol-
 2 lowing new section:

3 **“SEC. 45R. FLEET VEHICLES.**

4 “(a) ALLOWANCE OF CREDIT.—

5 “(1) IN GENERAL.—There shall be allowed as a
 6 credit against the tax imposed by this chapter for
 7 the taxable year an amount equal to the applicable
 8 amount with respect to each fleet vehicle placed in
 9 service by the taxpayer during the taxable year.

10 “(2) APPLICABLE AMOUNT.—For purposes of
 11 paragraph (1), the applicable amount is—

12 “(A) \$4,000 for a fleet vehicle which is—

13 “(i) a passenger automobile that—

14 “(I) is assembled in the United
 15 States, and

16 “(II) has a highway label fuel
 17 economy value of 27 miles per gallon
 18 or greater but less than 30 miles per
 19 gallon,

20 “(ii) a passenger automobile that—

21 “(I) is assembled in North Amer-
 22 ica, and

23 “(II) has a highway label fuel
 24 economy value of 30 miles per gallon
 25 or greater, or

1 “(iii) a nonpassenger automobile
2 that—

3 “(I) is assembled in the United
4 States, and

5 “(II) has a highway label fuel
6 economy value of 24 miles per gallon
7 or greater,

8 “(B) \$5,000 for a fleet vehicle which is—

9 “(i) a passenger automobile that—

10 “(I) is assembled in the United
11 States, and

12 “(II) has a highway label fuel
13 economy value of 30 miles per gallon
14 or greater, or

15 “(ii) a work truck that is assembled in
16 the United States and registered by the
17 dealer as a registered work truck, or

18 “(C) \$3,000 for a fleet vehicle which is—

19 “(i) a nonpassenger automobile that—

20 “(I) is assembled in North Amer-
21 ica, and

22 “(II) has a highway label fuel
23 economy value of 24 miles per gallon
24 or greater.

1 “(b) LIMITATION.—Not more than 15 fleet vehicles
 2 may be taken into account under subsection (a) for a tax-
 3 able year.

4 “(c) DEFINITIONS.—For purposes of this section—

5 “(1) FLEET VEHICLE.—The term ‘fleet vehicle’
 6 means a motor vehicle—

7 “(A) which is a passenger automobile, non-
 8 passenger automobile, or work truck,

9 “(B) the original use of which commences
 10 with the taxpayer,

11 “(C) which is acquired for use or lease by
 12 the taxpayer and not for resale,

13 “(D) which is property of a character sub-
 14 ject to an allowance for depreciation, and

15 “(E) which is made by a manufacturer.

16 “(2) AUTOMOBILE; PASSENGER AUTOMOBILE;
 17 WORK TRUCK.—The terms ‘automobile’, ‘passenger
 18 automobile’, and ‘work truck’ have the meanings
 19 given such terms in section 32901(a) of title 49,
 20 United States Code.

21 “(3) NONPASSENGER AUTOMOBILE.—The term
 22 ‘nonpassenger automobile’ means an automobile
 23 classified as a light truck under part 523 of title 49,
 24 Code of Federal Regulations, and is not a work
 25 truck.

1 “(4) HIGHWAY LABEL FUEL ECONOMY
2 VALUE.—The term ‘highway label fuel economy
3 value’ means the number, expressed in miles per gal-
4 lon, centered directly below the words ‘Highway
5 MPG’ on the label required to be affixed or caused
6 to be affixed on a new automobile pursuant to sub-
7 part D of part 600 of title 40, Code of Federal Reg-
8 ulations.

9 “(5) MOTOR VEHICLE.—The term ‘motor vehi-
10 cle’ means any vehicle which is manufactured pri-
11 marily for use on public streets, roads, and highways
12 (not including a vehicle operated exclusively on a rail
13 or rails) and which has at least 4 wheels.

14 “(d) SPECIAL RULES.—For purposes of this sec-
15 tion—

16 “(1) RELATED PERSON.—

17 “(A) IN GENERAL.—The taxpayer and any
18 person related to the taxpayer shall be treated
19 as one person.

20 “(B) RELATED PERSON DEFINED.—A per-
21 son (hereinafter in this paragraph referred to
22 as the ‘related person’) is related to any other
23 person if—

1 “(i) the related person bears a rela-
2 tionship to such person specified in section
3 267(b) or section 707(b)(1), or

4 “(ii) the related person and such per-
5 son are engaged in trades or business
6 under common control (within the meaning
7 of subsections (a) and (b) of section 52).

8 For purposes of subparagraph (A), in applying
9 section 267(b) or 707(b)(1), ‘10 percent’ shall
10 be substituted for ‘50 percent’.

11 “(2) REDUCTION IN BASIS.—For purposes of
12 this subtitle, the basis of any property for which a
13 credit is allowable under subsection (a) shall be re-
14 duced by the amount of such credit so allowed.

15 “(3) APPLICABLE RULES.—For purposes of this
16 section, rules similar to the rules of paragraphs (5),
17 (6), (7), (8), and (9) of section 30B(h) shall apply.

18 “(e) TERMINATION.—This section shall not apply to
19 any property purchased after December 31, 2010.”.

20 (b) CREDIT TO BE PART OF BUSINESS CREDIT.—
21 Section 38(b) is amended by striking “plus” at the end
22 of paragraph (34), by striking the period at the end of
23 paragraph (35) and inserting “, plus”, and by adding at
24 the end the following:

1 “(36) the fleet vehicle credit determined under
2 section 45R(a).”.

3 (c) BASIS.—Section 1016(a) of such Code is amended
4 by striking “and” at the end of paragraph (36), by strik-
5 ing the period at the end of paragraph (37) and inserting
6 “, and”, and by adding at the end the following new para-
7 graph:

8 “(38) to the extent provided in section
9 45R(d)(2).”.

10 (d) CONFORMING AMENDMENTS.—The table of sec-
11 tions for subpart D of part IV of subchapter A of chapter
12 1 of such Code is amended by inserting after the item
13 relating to section 45Q the following new item:

 “Sec. 45R. Fleet vehicles.”.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to property placed in service after
16 December 31, 2008.

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