

1 HOUSE BILL 313

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Nathan P. Small

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10 AN ACT

11 RELATING TO TAXATION; CREATING THE MOTOR VEHICLE CHARGING
12 STATION INCOME TAX CREDIT AND THE MOTOR VEHICLE CHARGING
13 STATION CORPORATE INCOME TAX CREDIT.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. A new section of the Income Tax Act is enacted
17 to read:

18 "[NEW MATERIAL] MOTOR VEHICLE CHARGING STATION INCOME TAX
19 CREDIT.--

20 A. A taxpayer who is not a dependent of another
21 individual and who installs and places in service a motor
22 vehicle charging station in calendar years 2020 and 2021 may
23 apply for, and the department may allow, a credit of up to
24 seventy-five percent of the cost of the motor vehicle charging
25 station against the taxpayer's tax liability imposed pursuant

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1 to the Income Tax Act. The tax credit provided by this section
2 may be referred to as the "motor vehicle charging station
3 income tax credit".

4 B. To be eligible for a motor vehicle charging
5 station income tax credit, a taxpayer shall apply to the
6 energy, minerals and natural resources department for
7 certification that the motor vehicle charging station for which
8 the credit is claimed meets all appropriate health and safety
9 rules and regulations pursuant to state and federal law. The
10 certification shall state the number of motor vehicle charging
11 stations certified, the date each station is placed in service
12 and any other information the department may require to
13 determine eligibility for the credit.

14 C. A taxpayer may claim a motor vehicle charging
15 station income tax credit for the taxable year in which the
16 taxpayer places in service the motor vehicle charging station
17 for which the credit is claimed. To receive the credit, a
18 taxpayer shall apply to the department on forms and in the
19 manner prescribed by the department. The application shall
20 include the certification made pursuant to Subsection B of this
21 section.

22 D. The department may allow no more than twenty-
23 five million dollars (\$25,000,000) in motor vehicle charging
24 station income tax credits and motor vehicle charging corporate
25 income tax credits. Completed applications for the credit

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1 shall be considered in the order received by the department.

2 Claims for a credit received after the limitation provided in
3 this subsection has been met shall not be approved.

4 E. That portion of a motor vehicle charging station
5 income tax credit that exceeds a taxpayer's tax liability in
6 the taxable year in which the credit is claimed may be carried
7 forward for a maximum of five consecutive taxable years.

8 F. Married individuals filing separate returns for
9 a taxable year for which they could have filed a joint return
10 may each claim only one-half of the motor vehicle charging
11 station income tax credit that would have been claimed on a
12 joint return.

13 G. A taxpayer may be allocated the right to claim a
14 motor vehicle charging station income tax credit in proportion
15 to the taxpayer's ownership interest if the taxpayer owns an
16 interest in a business entity that is taxed for federal income
17 tax purposes as a partnership or limited liability company and
18 that business entity has met all of the requirements to be
19 eligible for the credit. The total credit claimed by all
20 members of the partnership or a limited liability company shall
21 not exceed the allowable credit pursuant to Subsection A of
22 this section.

23 H. A taxpayer allowed a tax credit pursuant to this
24 section shall report the amount of the credit to the department
25 in a manner required by the department.

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1 I. The department shall compile an annual report on
2 the motor vehicle charging station income tax credit that shall
3 include the number of taxpayers approved by the department to
4 receive the credit, the aggregate amount of credits approved
5 and any other information necessary to evaluate the cost of the
6 credit. The department shall present the report to the revenue
7 stabilization and tax policy committee and the legislative
8 finance committee with an analysis of the cost of the credit.

9 J. As used in this section, "motor vehicle charging
10 station" means a new metered-for-fee, public access recharging
11 system for motor vehicles propelled in whole or in part by
12 electricity. "Motor vehicle charging station" does not include
13 a building or the structural components of a building."

14 **SECTION 2.** A new section of the Corporate Income and
15 Franchise Tax Act is enacted to read:

16 "[NEW MATERIAL] MOTOR VEHICLE CHARGING STATION CORPORATE
17 INCOME TAX CREDIT.--

18 A. A taxpayer that files a New Mexico corporate
19 income tax return and that installs and places in service a
20 motor vehicle charging station in calendar years 2020 and 2021
21 may apply for, and the department may allow, a credit of up to
22 seventy-five percent of the cost of the motor vehicle charging
23 station against the taxpayer's tax liability imposed pursuant
24 to the Corporate Income and Franchise Tax Act. The tax credit
25 provided by this section may be referred to as the "motor

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1 vehicle charging station corporate income tax credit".

2 B. To be eligible for a motor vehicle charging
3 station corporate income tax credit, a taxpayer shall apply to
4 the energy, minerals and natural resources department for
5 certification that the motor vehicle charging station for which
6 the credit is claimed meets all appropriate health and safety
7 rules and regulations pursuant to state and federal law. The
8 certification shall state the number of motor vehicle charging
9 stations certified, the date each station is placed in service
10 and any other information the department may require to
11 determine eligibility for the credit.

12 C. A taxpayer may claim a motor vehicle charging
13 station corporate income tax credit for the taxable year in
14 which the taxpayer places in service the motor vehicle charging
15 station for which the credit is claimed. To receive the
16 credit, a taxpayer shall apply to the department on forms and
17 in the manner prescribed by the department. The application
18 shall include the certification made pursuant to Subsection B
19 of this section.

20 D. The department may allow no more than twenty-
21 five million dollars (\$25,000,000) in motor vehicle charging
22 station income tax credits and motor vehicle charging station
23 corporate income tax credits. Completed applications for the
24 credit shall be considered in the order received by the
25 department. Claims for a credit received after the limitation

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1 provided in this subsection has been met shall not be approved.

2 E. That portion of a motor vehicle charging station
3 corporate income tax credit that exceeds a taxpayer's tax
4 liability in the taxable year in which the credit is claimed
5 may be carried forward for a maximum of five consecutive
6 taxable years.

7 F. A taxpayer allowed a tax credit pursuant to this
8 section shall report the amount of the credit to the department
9 in a manner required by the department.

10 G. The department shall compile an annual report on
11 the motor vehicle charging station corporate income tax credit
12 that shall include the number of taxpayers approved by the
13 department to receive the credit, the aggregate amount of
14 credits approved and any other information necessary to
15 evaluate the cost of the credit. The department shall present
16 the report to the revenue stabilization and tax policy
17 committee and the legislative finance committee with an
18 analysis of the cost of the credit.

19 H. As used in this section, "motor vehicle charging
20 station" means a new metered-for-fee, public access recharging
21 system for motor vehicles propelled in whole or in part by
22 electricity. "Motor vehicle charging station" does not include
23 a building or the structural components of a building."

24 **SECTION 3. APPLICABILITY.**--The provisions of this act
25 apply to taxable years beginning on or after January 1, 2020.

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