

**Senator Derek L. Kitchen** proposes the following substitute bill:

**ELECTRIC ENERGY RELATED TAX CREDIT**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derek L. Kitchen**

House Sponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

This bill enacts a corporate and individual income tax credit related to electric energy.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ enacts a refundable corporate and individual income tax credit for the purchase of an electric energy storage asset or certain electric commercial class 8 vehicles;
- ▶ enacts a refundable gross receipts tax credit for the purchase of an electric energy storage asset;
- ▶ provides that a taxpayer may not claim more than one state tax credit for each qualified purchase; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides retrospective operation.

**Utah Code Sections Affected:**

AMENDS:



26 [59-7-618](#), as last amended by Laws of Utah 2017, Chapter 265

27 [59-10-1033](#), as last amended by Laws of Utah 2017, Chapter 265

28 ENACTS:

29 [59-7-625](#), Utah Code Annotated 1953

30 [59-8-201](#), Utah Code Annotated 1953

31 [59-10-1113](#), Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section [59-7-618](#) is amended to read:

35 **[59-7-618](#). Tax credit related to alternative fuel heavy duty vehicles.**

36 (1) As used in this section:

37 (a) "Board" means the Air Quality Board created under Title 19, Chapter 2, Air  
38 Conservation Act.

39 (b) "Director" means the director of the Division of Air Quality appointed under  
40 Section [19-2-107](#).

41 (c) "Heavy duty vehicle" means a commercial category 7 or 8 vehicle, according to  
42 vehicle classifications established by the Federal Highway Administration.

43 (d) "Natural gas" includes compressed natural gas and liquified natural gas.

44 (e) "Qualified heavy duty vehicle" means a heavy duty vehicle that:

45 (i) has never been titled or registered and has been driven less than 7,500 miles; and

46 (ii) is fueled by natural gas, has a 100% electric drivetrain, or has a hydrogen-electric  
47 drivetrain.

48 (f) "Qualified purchase" means the purchase of a qualified heavy duty vehicle.

49 (g) "Qualified taxpayer" means a taxpayer that:

50 (i) purchases a qualified heavy duty vehicle; and

51 (ii) receives a tax credit certificate from the director.

52 (h) "Small fleet" means 40 or fewer heavy duty vehicles registered in the state and  
53 owned by a single taxpayer.

54 (i) "Tax credit certificate" means a certificate issued by the director certifying that a  
55 taxpayer is entitled to a tax credit as provided in this section and stating the amount of the tax  
56 credit.

57 (2) A qualified taxpayer may claim a nonrefundable tax credit against tax otherwise  
58 due under this chapter or Chapter 8, Gross Receipts Tax on Certain Corporations Not Required  
59 to Pay Corporate Franchise or Income Tax Act:

60 (a) in an amount equal to:

61 (i) \$25,000, if the qualified purchase of a natural gas heavy duty vehicle occurs during  
62 calendar year 2015 or calendar year 2016;

63 (ii) \$25,000, if the qualified purchase occurs during calendar year 2017;

64 (iii) \$20,000, if the qualified purchase occurs during calendar year 2018;

65 (iv) \$18,000, if the qualified purchase occurs during calendar year 2019; and

66 (v) \$15,000, if the qualified purchase occurs during calendar year 2020; and

67 (b) if the qualified taxpayer certifies under oath that over 50% of the miles that the  
68 heavy duty vehicle that is the subject of the qualified purchase will travel annually will be  
69 within the state.

70 (3) (a) Except as provided in Subsection (3)(b), a taxpayer may not submit an  
71 application for, and the director may not issue to the taxpayer, a tax credit certificate under this  
72 section in any taxable year for a qualified purchase if the director has already issued tax credit  
73 certificates to the taxpayer for 10 qualified purchases in the same taxable year.

74 (b) If, by May 1 of any year, more than 30% of the aggregate annual total amount of  
75 tax credits under Subsection (5) has not been claimed, a taxpayer may submit an application  
76 for, and the director may issue to the taxpayer, one or more tax credit certificates for up to eight  
77 additional qualified purchases, even if the director has already issued to that taxpayer tax credit  
78 certificates for the maximum number of qualified purchases allowed under Subsection (3)(a).

79 (4) (a) Subject to Subsection (4)(b), the director shall reserve 25% of all tax credits  
80 available under this section for qualified taxpayers with a small fleet.

81 (b) Subsection (4)(a) does not prevent a taxpayer from submitting an application for, or  
82 the director from issuing, a tax credit certificate if, before October 1, qualified taxpayers with a  
83 small fleet have not reserved under Subsection (5)(b) tax credits for the full amount reserved  
84 under Subsection (4)(a).

85 (5) (a) The aggregate annual total amount of tax credits represented by tax credit  
86 certificates that the director issues under this section and Section 59-10-1033 may not exceed  
87 \$500,000.

88 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
89 Rulemaking Act, make rules to establish a process under which a taxpayer may reserve a  
90 potential tax credit under this section for a limited time to allow the taxpayer to make a  
91 qualified purchase with the assurance that the aggregate limit under Subsection (5)(a) will not  
92 be met before the taxpayer is able to submit an application for a tax credit certificate.

93 (6) (a) (i) A taxpayer wishing to claim a tax credit under this section shall submit to the  
94 director, using forms the board requires by rule:

95 (A) [~~submit to the director~~] an application for a tax credit;

96 (B) [~~provide the director~~] proof of a qualified purchase; [~~and~~]

97 (C) [~~submit to the director~~] the certification under oath required under Subsection

98 (2)(b)[-]; and

99 (D) a certification under oath that the taxpayer has not claimed another tax credit under  
100 this chapter for the same qualified purchase.

101 (ii) Upon receiving the [~~application, proof, and certification~~] information required  
102 under Subsection (6)(a)(i), the director shall provide the taxpayer a written statement from the  
103 director acknowledging receipt of the proof.

104 (b) If the director determines that a taxpayer qualifies for a tax credit under this section,  
105 the director shall:

106 (i) determine the amount of tax credit the taxpayer is allowed under this section; and

107 (ii) provide the taxpayer with a written tax credit certificate:

108 (A) stating that the taxpayer has qualified for a tax credit; and

109 (B) showing the amount of tax credit for which the taxpayer has qualified under this  
110 section.

111 (c) A qualified taxpayer shall retain the tax credit certificate.

112 (d) The director shall at least annually submit to the commission a list of all qualified  
113 taxpayers to which the director has issued a tax credit certificate and the amount of each tax  
114 credit represented by the tax credit certificates.

115 (7) The tax credit under this section is allowed only:

116 (a) against a tax owed under this chapter or Chapter 8, Gross Receipts Tax on Certain  
117 Corporations Not Required to Pay Corporate Franchise or Income Tax Act, in the taxable year  
118 by the qualified taxpayer;

119 (b) for the taxable year in which the qualified purchase occurs; and

120 (c) once per vehicle.

121 (8) A qualified taxpayer may not:

122 (a) assign a tax credit or a tax credit certificate under this section to another person[-];

123 or

124 (b) claim more than one tax credit under this chapter for a qualified purchase.

125 (9) If the qualified taxpayer receives a tax credit certificate under this section that  
126 allows a tax credit in an amount that exceeds the qualified taxpayer's tax liability under this  
127 chapter or Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay  
128 Corporate Franchise or Income Tax Act, for a taxable year, the qualified taxpayer may carry  
129 forward the amount of the tax credit that exceeds the tax liability for a period that does not  
130 exceed the next five taxable years.

131 (10) (a) In accordance with any rules prescribed by the commission under Subsection  
132 (10)(b), the Division of Finance shall transfer at least annually from the General Fund into the  
133 Education Fund the aggregate amount of all tax credits claimed under this section.

134 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
135 commission may make rules for making a transfer from the General Fund into the Education  
136 Fund as required by Subsection (10)(a).

137 Section 2. Section **59-7-625** is enacted to read:

138 **59-7-625. Refundable tax credit related to electric energy.**

139 (1) As used in this section:

140 (a) "Commercial use" means the same as that term is defined in Section [59-12-102](#).

141 (b) "Electric energy storage asset" means property that is interconnected to the  
142 electrical grid and is designed to:

143 (i) receive electrical energy;

144 (ii) store electrical energy as another energy form; and

145 (iii) (A) convert stored energy described in Subsection (1)(b)(ii) back to electrical  
146 energy and deliver the electrical energy for sale; or

147 (B) use electrical energy described in Subsection (1)(b)(ii) to provide reliability or  
148 economic benefits to the grid.

149 (c) "Heavy duty vehicle" means a commercial 8 vehicle, according to vehicle

150 classifications established by the Federal Highway Administration.

151 (d) "Industrial use" means the same as that term is defined in Section 59-12-102.

152 (e) "Office" means the Office of Energy Development created in Section 63M-4-401.

153 (f) "Qualified heavy duty vehicle" means a heavy duty vehicle that has:

154 (i) never been titled or registered and has been driven less than 7,500 miles; and

155 (ii) (A) a 100% electric drivetrain and a range of 250 miles or more per charge; or

156 (B) a hydrogen-electric drivetrain and a range of 400 miles or more per charge.

157 (g) "Qualified purchase" means the purchase of:

158 (i) a qualified heavy duty vehicle; or

159 (ii) an electric energy storage asset for any of the following uses in the state:

160 (A) commercial use;

161 (B) industrial use; or

162 (C) residential use.

163 (h) "Qualified taxpayer" means a taxpayer that:

164 (i) makes a qualified purchase; and

165 (ii) receives a tax credit certificate from the office.

166 (i) "Residential use" means the same as that term is defined in Section 59-12-102.

167 (j) "Tax credit certificate" means a certificate issued by the office in accordance with

168 Subsection (4)(b).

169 (2) Subject to the other provisions of this section, a qualified taxpayer may claim a  
170 refundable tax credit:

171 (a) in an amount equal to the lesser of:

172 (i) if the qualified purchase is an electric energy storage asset for residential use:

173 (A) an amount equal to 25% of the price of the qualified purchase; or

174 (B) \$5,000; or

175 (ii) if the qualified purchase is an electric energy storage asset for commercial use or  
176 industrial use or a qualified heavy duty vehicle:

177 (A) an amount equal to 10% of the price of the qualified purchase; or

178 (B) \$100,000; and

179 (b) for a qualified purchase that is a qualified heavy duty vehicle, if the qualified

180 taxpayer certifies under oath that over 50% of the miles that the qualified heavy duty vehicle

181 will travel annually will be within the state.

182 (3) The aggregate total amount of tax credits represented by tax credit certificates that  
183 the office issues in a calendar year under this section and Sections [59-8-201](#) and [59-10-1113](#)  
184 may not exceed \$5,000,000.

185 (4) (a) (i) To claim a tax credit under this section a taxpayer shall submit to the office,  
186 using a form prescribed by the office:

187 (A) an application for the tax credit;

188 (B) proof of a qualified purchase; and

189 (C) if the qualified purchase is a qualified heavy duty vehicle, the certification  
190 described in Subsection (2)(b) and a certification under oath that the taxpayer has not claimed  
191 another tax credit under this chapter for the same qualified purchase.

192 (ii) Upon receipt of the information described in Subsection (4)(a)(i), the office shall  
193 provide the taxpayer a written statement acknowledging receipt.

194 (b) If the office determines that the taxpayer qualifies for the tax credit, the office shall:

195 (i) determine the amount of the tax credit the taxpayer is allowed under this section;

196 and

197 (ii) provide the taxpayer with a written tax credit certificate that:

198 (A) states that the taxpayer qualifies for the tax credit; and

199 (B) shows the amount of the tax credit for which the taxpayer qualifies.

200 (c) The qualified taxpayer shall retain the tax credit certificate.

201 (d) At least annually, the office shall submit to the commission a list of each qualified  
202 taxpayer to whom the office issued a tax credit certificate and the amount of the tax credit.

203 (5) (a) The tax credit described in this section is allowed only for the taxable year in  
204 which the qualified purchase occurs.

205 (b) A qualified taxpayer may not:

206 (i) assign a tax credit or tax credit certificate under this section to another person; or

207 (ii) claim more than one tax credit under this chapter for a qualified purchase.

208 Section 3. Section **59-8-201** is enacted to read:

209 **Part 2. Tax Credits**

210 **59-8-201. Refundable tax credit related to electric energy.**

211 (1) As used in this section:

212 (a) "Commercial use" means the same as that term is defined in Section [59-12-102](#).

213 (b) "Electric energy storage asset" means property that is interconnected to the

214 electrical grid and is designed to:

215 (i) receive electrical energy;

216 (ii) store electrical energy as another energy form; and

217 (iii) (A) convert stored energy described in Subsection (1)(b)(ii) back to electrical

218 energy and deliver the electrical energy for sale; or

219 (B) use electrical energy described in Subsection (1)(b)(ii) to provide reliability or

220 economic benefits to the grid.

221 (c) "Industrial use" means the same as that term is defined in Section [59-12-102](#).

222 (d) "Office" means the Office of Energy Development created in Section [63M-4-401](#).

223 (e) "Qualified purchase" means the purchase of an electric energy storage asset for any

224 of the following uses in the state:

225 (i) commercial use; or

226 (ii) industrial use.

227 (f) "Qualified taxpayer" means a taxpayer that:

228 (i) makes a qualified purchase; and

229 (ii) receives a tax credit certificate from the office.

230 (g) "Tax credit certificate" means a certificate issued by the office in accordance with

231 Subsection (4)(b).

232 (2) For a taxable year beginning on or after July 1, 2020, and subject to the other

233 provisions of this section, a qualified taxpayer may claim a refundable tax credit in an amount

234 equal to the lesser of:

235 (a) an amount equal to 10% of the price of the qualified purchase; or

236 (b) \$100,000.

237 (3) The aggregate total amount of tax credits represented by tax credit certificates that

238 the office issues in a calendar year under this section and Sections [59-7-625](#) and [59-10-1113](#)

239 may not exceed \$5,000,000.

240 (4) (a) (i) To claim a tax credit under this section a taxpayer shall, using a form

241 prescribed by the office:

242 (A) submit to the office an application for the tax credit; and



- 243 (B) provide the office proof of a qualified purchase.
- 244 (ii) Upon receipt of the information described in Subsection (4)(a)(i), the office shall
- 245 provide the taxpayer a written statement acknowledging receipt.
- 246 (b) If the office determines that the taxpayer qualifies for the tax credit, the office shall:
- 247 (i) determine the amount of the tax credit the taxpayer is allowed under this section;
- 248 and
- 249 (ii) provide the taxpayer with a written tax credit certificate that:
- 250 (A) states that the taxpayer qualifies for the tax credit; and
- 251 (B) shows the amount of the tax credit for which the taxpayer qualifies.
- 252 (c) The qualified taxpayer shall retain the tax credit certificate.
- 253 (d) At least annually, the office shall submit to the commission a list of each qualified
- 254 taxpayer to whom the office issued a tax credit certificate and the amount of the tax credit.
- 255 (5) (a) The tax credit described in this section is allowed only for the taxable year in
- 256 which the qualified purchase occurs.
- 257 (b) A qualified taxpayer may not assign a tax credit or tax credit certificate under this
- 258 section to another person.
- 259 Section 4. Section **59-10-1033** is amended to read:
- 260 **59-10-1033. Tax credit related to alternative fuel heavy duty vehicles.**
- 261 (1) As used in this section:
- 262 (a) "Board" means the Air Quality Board created under Title 19, Chapter 2, Air
- 263 Conservation Act.
- 264 (b) "Director" means the director of the Division of Air Quality appointed under
- 265 Section [19-2-107](#).
- 266 (c) "Heavy duty vehicle" means a commercial category 7 or 8 vehicle, according to
- 267 vehicle classifications established by the Federal Highway Administration.
- 268 (d) "Natural gas" includes compressed natural gas and liquified natural gas.
- 269 (e) "Qualified heavy duty vehicle" means a heavy duty vehicle that:
- 270 (i) has never been titled or registered and has been driven less than 7,500 miles; and
- 271 (ii) is fueled by natural gas, has a 100% electric drivetrain, or has a hydrogen-electric
- 272 drivetrain.
- 273 (f) "Qualified purchase" means the purchase of a qualified heavy duty vehicle.

274 (g) "Qualified taxpayer" means a claimant, estate, or trust that:

275 (i) purchases a qualified heavy duty vehicle; and

276 (ii) receives a tax credit certificate from the director.

277 (h) "Small fleet" means 40 or fewer heavy duty vehicles registered in the state and

278 owned by a single claimant, estate, or trust.

279 (i) "Tax credit certificate" means a certificate issued by the director certifying that a

280 claimant, estate, or trust is entitled to a tax credit as provided in this section and stating the

281 amount of the tax credit.

282 (2) A qualified taxpayer may claim a nonrefundable tax credit against tax otherwise

283 due under this chapter:

284 (a) in an amount equal to:

285 (i) \$25,000, if the qualified purchase of a natural gas heavy duty vehicle occurs during

286 calendar year 2015 or calendar year 2016;

287 (ii) \$25,000, if the qualified purchase occurs during calendar year 2017;

288 (iii) \$20,000, if the qualified purchase occurs during calendar year 2018;

289 (iv) \$18,000, if the qualified purchase occurs during calendar year 2019; and

290 (v) \$15,000, if the qualified purchase occurs during calendar year 2020; and

291 (b) if the qualified taxpayer certifies under oath that over 50% of the miles that the

292 heavy duty vehicle that is the subject of the qualified purchase will travel annually will be

293 within the state.

294 (3) (a) Except as provided in Subsection (3)(b), a claimant, estate, or trust may not

295 submit an application for, and the director may not issue to the claimant, estate, or trust, a tax

296 credit certificate under this section in any taxable year for a qualified purchase if the director

297 has already issued tax credit certificates to the claimant, estate, or trust for 10 qualified

298 purchases in the same taxable year.

299 (b) If, by May 1 of any year, more than 30% of the aggregate annual total amount of

300 tax credits under Subsection (5) has not been claimed, a claimant, estate, or trust may submit

301 an application for, and the director may issue to the claimant, estate, or trust, one or more tax

302 credit certificates for up to eight additional qualified purchases, even if the director has already

303 issued to that claimant, estate, or trust tax credit certificates for the maximum number of

304 qualified purchases allowed under Subsection (3)(a).

305 (4) (a) Subject to Subsection (4)(b), the director shall reserve 25% of all tax credits  
306 available under this section for qualified taxpayers with a small fleet.

307 (b) Subsection (4)(a) does not prevent a claimant, estate, or trust from submitting an  
308 application for, or the director from issuing, a tax credit certificate if, before October 1,  
309 qualified taxpayers with a small fleet have not reserved under Subsection (5)(b) tax credits for  
310 the full amount reserved under Subsection (4)(a).

311 (5) (a) The aggregate annual total amount of tax credits represented by tax credit  
312 certificates that the director issues under this section and Section 59-7-618 may not exceed  
313 \$500,000.

314 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
315 Rulemaking Act, make rules to establish a process under which a claimant, estate, or trust may  
316 reserve a potential tax credit under this section for a limited time to allow the claimant, estate,  
317 or trust to make a qualified purchase with the assurance that the aggregate limit under  
318 Subsection (5)(a) will not be met before the claimant, estate, or trust is able to submit an  
319 application for a tax credit certificate.

320 (6) (a) (i) A claimant, estate, or trust wishing to claim a tax credit under this section  
321 shall submit to the director, using forms the board requires by rule:

322 (A) [~~submit to the director~~] an application for a tax credit;

323 (B) [~~provide the director~~] proof of a qualified purchase; [~~and~~]

324 (C) [~~submit to the director~~] the certification under oath required under Subsection

325 (2)(b)[-]; and

326 (D) a certification under oath that the claimant, estate, or trust has not claimed another  
327 tax credit under this chapter for the same qualified purchase.

328 (ii) Upon receiving the [~~application, proof, and certification~~] information required  
329 under Subsection (6)(a)(i), the director shall provide the claimant, estate, or trust a written  
330 statement from the director acknowledging receipt of the proof.

331 (b) If the director determines that a claimant, estate, or trust qualifies for a tax credit  
332 under this section, the director shall:

333 (i) determine the amount of tax credit the claimant, estate, or trust is allowed under this  
334 section; and

335 (ii) provide the claimant, estate, or trust with a written tax credit certificate:

336 (A) stating that the claimant, estate, or trust has qualified for a tax credit; and  
337 (B) showing the amount of tax credit for which the claimant, estate, or trust has  
338 qualified under this section.

339 (c) A qualified taxpayer shall retain the tax credit certificate.

340 (d) The director shall at least annually submit to the commission a list of all qualified  
341 taxpayers to which the director has issued a tax credit certificate and the amount of each tax  
342 credit represented by the tax credit certificates.

343 (7) The tax credit under this section is allowed only:

- 344 (a) against a tax owed under this chapter in the taxable year by the qualified taxpayer;
- 345 (b) for the taxable year in which the qualified purchase occurs; and
- 346 (c) once per vehicle.

347 (8) A qualified taxpayer may not:

- 348 (a) assign a tax credit or a tax credit certificate under this section to another person[.];

349 or

- 350 (b) claim more than one tax credit under this chapter for a qualified purchase.

351 (9) If the qualified taxpayer receives a tax credit certificate under this section that  
352 allows a tax credit in an amount that exceeds the qualified taxpayer's tax liability under this  
353 chapter for a taxable year, the qualified taxpayer may carry forward the amount of the tax credit  
354 that exceeds the tax liability for a period that does not exceed the next five taxable years.

355 (10) (a) In accordance with any rules prescribed by the commission under Subsection  
356 (10)(b), the Division of Finance shall transfer at least annually from the General Fund into the  
357 Education Fund the aggregate amount of all tax credits claimed under this section.

358 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
359 commission may make rules for making a transfer from the General Fund into the Education  
360 Fund as required by Subsection (10)(a).

361 Section 5. Section **59-10-1113** is enacted to read:

362 **59-10-1113. Refundable tax credit related to electric energy.**

363 (1) As used in this section:

- 364 (a) "Commercial use" means the same as that term is defined in Section [59-12-102](#).

- 365 (b) "Electric energy storage asset" means property that is interconnected to the  
366 electrical grid and is designed to:

- 367 (i) receive electrical energy;  
368 (ii) store electrical energy as another energy form; and  
369 (iii) (A) convert stored energy described in Subsection (1)(b)(ii) back to electrical  
370 energy and deliver the electrical energy for sale; or  
371 (B) use electrical energy described in Subsection (1)(b)(ii) to provide reliability or  
372 economic benefits to the grid.
- 373 (c) "Heavy duty vehicle" means a commercial 8 vehicle, according to vehicle  
374 classifications established by the Federal Highway Administration.
- 375 (d) "Industrial use" means the same as that term is defined in Section 59-12-102.  
376 (e) "Office" means the Office of Energy Development created in Section 63M-4-401.  
377 (f) "Qualified heavy duty vehicle" means a heavy duty vehicle that has:  
378 (i) never been titled or registered and has been driven less than 7,500 miles; and  
379 (ii) (A) a 100% electric drivetrain and a range of 250 miles or more per charge; or  
380 (B) a hydrogen-electric drivetrain and a range of 400 miles or more per charge.
- 381 (g) "Qualified purchase" means the purchase of:  
382 (i) a qualified heavy duty vehicle; or  
383 (ii) an electric energy storage asset for any of the following uses in the state:  
384 (A) commercial use;  
385 (B) industrial use; or  
386 (C) residential use.
- 387 (h) "Qualified taxpayer" means a claimant who:  
388 (i) makes a qualified purchase; and  
389 (ii) receives a tax credit certificate from the office.
- 390 (i) "Residential use" means the same as that term is defined in Section 59-12-102.  
391 (j) "Tax credit certificate" means a certificate issued by the office in accordance with  
392 Subsection (4)(b).
- 393 (2) Subject to the other provisions of this section, a qualified taxpayer may claim a  
394 refundable tax credit:  
395 (a) in an amount equal to the lesser of:  
396 (i) if the qualified purchase is an electric energy storage asset for residential use:  
397 (A) an amount equal to 25% of the price of the qualified purchase; or

398 (B) \$5,000; or  
399 (ii) if the qualified purchase is an electric energy storage asset for commercial use or  
400 industrial use or a qualified heavy duty vehicle:

401 (A) an amount equal to 10% of the price of the qualified purchase; or

402 (B) \$100,000; and

403 (b) for a qualified purchase that is a qualified heavy duty vehicle, if the qualified  
404 taxpayer certifies under oath that over 50% of the miles that the qualified heavy duty vehicle  
405 will travel annually will be within the state.

406 (3) The aggregate total amount of tax credits represented by tax credit certificates that  
407 the office issues in a calendar year under this section and Sections [59-7-625](#) and [59-8-201](#) may  
408 not exceed \$5,000,000.

409 (4) (a) (i) To claim a tax credit under this section a taxpayer shall submit to the office,  
410 using a form prescribed by the office:

411 (A) an application for the tax credit;

412 (B) proof of a qualified purchase; and

413 (C) if the qualified purchase is a qualified heavy duty vehicle, the certification  
414 described in Subsection (2)(b) and a certification under oath that the taxpayer has not claimed  
415 another tax credit under this chapter for the same qualified purchase.

416 (ii) Upon receipt of the information described in Subsection (4)(a)(i), the office shall  
417 provide the taxpayer a written statement acknowledging receipt.

418 (b) If the office determines that the taxpayer qualifies for the tax credit, the office shall:

419 (i) determine the amount of the tax credit the taxpayer is allowed under this section;

420 and

421 (ii) provide the taxpayer with a written tax credit certificate that:

422 (A) states that the taxpayer qualifies for the tax credit; and

423 (B) shows the amount of the tax credit for which the taxpayer qualifies.

424 (c) The qualified taxpayer shall retain the tax credit certificate.

425 (d) At least annually, the office shall submit to the commission a list of each qualified  
426 taxpayer to whom the office issued a tax credit certificate and the amount of the tax credit.

427 (5) (a) The tax credit described in this section is allowed only for the taxable year in  
428 which the qualified purchase occurs.

429 (b) A qualified taxpayer may not:

430 (i) assign a tax credit or tax credit certificate under this section to another person; or

431 (ii) claim more than one tax credit under this chapter for a qualified purchase.

432 Section 6. **Retrospective operation.**

433 This bill has retrospective operation for a taxable year beginning on or after January 1,

434 2020.