

112TH CONGRESS
1ST SESSION

S. 1417

To amend the Internal Revenue Code of 1986 to modify the credit for qualified fuel cell motor vehicles and to allow the credit for certain off-highway vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2011

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to modify the credit for qualified fuel cell motor vehicles and to allow the credit for certain off-highway vehicles, and for other purposes.

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 “Fuel Cell Industrial
5 Vehicle Jobs Act of 2011”.

6 **SEC. 2. MODIFICATIONS OF CREDIT FOR QUALIFIED FUEL**
7 **CELL MOTOR VEHICLES.**

8 (a) CREDIT AMOUNTS.—

1 (1) IN GENERAL.—Paragraph (1) of section
 2 30B(b) of the Internal Revenue Code of 1986 is
 3 amended by redesignating subparagraphs (B)
 4 through (D) as subparagraphs (C) through (E), re-
 5 spectively, and by striking subparagraph (A) and in-
 6 serting the following new subparagraphs:

7 “(A) \$4,000 if such vehicle is a motor ve-
 8 hicle as described in subsection (b)(4)(A) and
 9 has a gross vehicle weight rating of not more
 10 than 8,500 pounds,

11 “(B) \$8,000 if such vehicle is a motor ve-
 12 hicle as described in subsection (h)(1) and has
 13 a gross vehicle weight rating of not more than
 14 8,500 pounds.”.

15 (2) CONFORMING AMENDMENT.—Section
 16 30B(b)(2)(A) of such Code is amended by striking
 17 “paragraph (1)(A)” and inserting “paragraph
 18 (1)(B)”.

19 (b) CREDIT FOR CERTAIN OFF-HIGHWAY VEHI-
 20 CLES.—Subsection (b) of section 30B of the Internal Rev-
 21 enue Code of 1986 is amended by adding at the end the
 22 following new paragraph:

23 “(4) SPECIAL RULES FOR CERTAIN OFF-HIGH-
 24 WAY VEHICLES.—For purposes of this subsection—

1 “(A) IN GENERAL.—The term ‘motor vehi-
2 cle’ includes any vehicle which is manufactured
3 primarily for use in carrying or towing loads or
4 materials for commercial or industrial purposes,
5 whether or not on public streets, roads, and
6 highways and regardless of the type of load or
7 material carried or towed. The preceding sen-
8 tence shall not include any vehicle operated ex-
9 clusively on a rail or rails and any vehicle oper-
10 ated primarily for recreational purposes.

11 “(B) ADDITIONAL CREDIT.—

12 “(i) VEHICLES NOT MORE THAN 8,500
13 POUNDS.—In the case of a vehicle which is
14 a motor vehicle solely by reason of sub-
15 paragraph (A) that has a gross vehicle
16 weight rating of not more than 8,500
17 pounds, the amount determined under
18 paragraph (1) shall be increased by \$1,500
19 if such vehicle’s fuel cell system achieves
20 an electricity generation efficiency of at
21 least 40 percent based on the lower heat-
22 ing value of the fuel.

23 “(ii) OTHER VEHICLES.—In the case
24 of a vehicle which is a motor vehicle solely
25 by reason of subparagraph (A) that has a

1 gross vehicle weight rating of more than
2 8,500 pounds, the amount determined
3 under paragraph (1) shall be increased
4 by—

5 “(I) \$2,000 if such vehicle’s fuel
6 cell system achieves an electricity gen-
7 eration efficiency of at least 40 per-
8 cent but less than 50 percent based
9 on the lower heating value of the fuel,
10 or

11 “(II) \$4,000 if such vehicle’s fuel
12 cell system achieves an electricity gen-
13 eration efficiency of at least 50 per-
14 cent based on the lower heating value
15 of the fuel.

16 “(C) CERTAIN STANDARDS NOT TO
17 APPLY.—Subsection (h)(10) shall not apply to a
18 vehicle which is a motor vehicle solely by reason
19 of subparagraph (A).

20 “(D) PLACED IN SERVICE DATE.—The
21 credit determined under this subsection shall
22 only be available in the case of any vehicle
23 which is a motor vehicle solely by reason of sub-
24 paragraph (A) if such vehicle is placed in serv-
25 ice after December 31, 2010.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to vehicles placed in service after
3 December 31, 2010, in taxable years ending after such
4 date.

5 **SEC. 3. ENERGY CREDIT FOR FUEL CELL MOTIVE PROP-**
6 **ERTY.**

7 (a) IN GENERAL.—Section 48 of the Internal Rev-
8 enue Code of 1986 is amended by adding at the end the
9 following new subsection:

10 “(e) NEW QUALIFIED FUEL CELL MOTIVE PROP-
11 ERTY CREDIT.—

12 “(1) IN GENERAL.—In the case of new qualified
13 fuel cell motive property placed in service during the
14 taxable year, the energy credit for such taxable year
15 with respect to such property is the sum of—

16 “(A) \$940 for each 0.5 kilowatt of capacity
17 of such property if such property has a name-
18 plate capacity of no more than 5.0 kilowatts of
19 electricity,

20 “(B) \$140 for each additional 0.5 kilowatt
21 of capacity of such property above 5.0 kilowatts
22 of capacity if such property has a nameplate ca-
23 pacity of no more than 15.0 kilowatts of elec-
24 tricity, and

1 “(C) \$50 for each additional 0.5 kilowatt
2 of capacity of such property above 15.0 kilo-
3 watts of capacity if such property has a name-
4 plate capacity of more than 15.0 kilowatts of
5 electricity.

6 “(2) LIMITATION.—The amount allowed as a
7 credit under this section by reason of paragraph (1)
8 shall not exceed \$12,700 for each property placed in
9 service during the taxable year.

10 “(3) NEW QUALIFIED FUEL CELL MOTIVE
11 PROPERTY.—For purposes of this subsection—

12 “(A) IN GENERAL.—The term ‘new quali-
13 fied fuel cell motive property’ means any quali-
14 fied fuel cell property which is manufactured
15 for use in powering qualified motive property—

16 “(i) the original use of which com-
17 mences with the taxpayer, and

18 “(ii) which is acquired by the taxpayer
19 for use or lease, but not for resale.

20 “(B) QUALIFIED MOTIVE PROPERTY.—The
21 term ‘qualified motive property’ means any
22 property which is manufactured primarily for
23 carrying loads or materials for commercial or
24 industrial purposes not on public streets, roads,

1 highways, or rails or operated primarily for rec-
2 reational purposes.

3 “(C) TERMINATION.—Paragraph (1) shall
4 not apply to any property placed in service after
5 December 31, 2016.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 48(a)(1) of the Internal Revenue
8 Code of 1986 is amended by striking “subsection
9 (c),” and inserting “subsection (c) and subsection
10 (e),”.

11 (2) Subparagraph (C) of section 48(c)(1) of
12 such Code is amended to read as follows:

13 “(C) FUEL CELL POWER PLANT.—The
14 term ‘fuel cell power plant’ means an integrated
15 system comprised of a fuel cell stack assembly
16 which converts a fuel into electricity using elec-
17 trochemical means and the associated balance
18 of plant components.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to property placed in service after
21 December 31, 2010, in taxable years ending after such
22 date.

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