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113TH CONGRESS
2D SESSION

H. R. 5457

To amend the Internal Revenue Code of 1986 to provide incentives for zero carbon emissions refueling property.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2014

Mr. MURPHY of Florida (for himself and Mr. DENT) introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To amend the Internal Revenue Code of 1986 to provide incentives for zero carbon emissions refueling property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fueling America's Future Act of 2014''.

SEC. 2. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) REPEAL OF LIMITATION FOR ZERO CARBON EMISSION FUEL.—Paragraph (6) of section 30C(e) of the

Internal Revenue Code of 1986 is amended to read as follows:

"(6) SPECIAL RULE FOR ZERO CARBON EMISSION REFUELING PROPERTY.—In the case of any property relating to zero-emission fuel, subsection (b) shall not apply.".

(b) EXTENSION FOR ZERO CARBON EMISSION FUEL.—Subsection (g) of section 30C of such Code is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of any property relating to zero carbon emission fuel, after December 31, 2024, and".

(c) ZERO CARBON EMISSION FUEL.—Subsection (e) of section 30C of such Code is amended by adding at the end the following new paragraph:

"(7) ZERO CARBON EMISSION FUEL.—For purposes of this section, the term 'zero carbon emission fuel' means any fuel that does not emit carbon when used as fuel to propel a motor vehicle (including electricity, hydrogen, or any other zero-tailpipe emission producing fuel, as determined by the Secretary of Energy for purposes of this section).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3. TAX HOLIDAY FOR BUSINESSES PLACING IN SERVICE ZERO CARBON EMISSION REFUELING PROPERTY.

Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before section 140 the following new section:

"SEC. 139F. ZERO CARBON EMISSION REFUELING PROPERTY.

''(a) IN GENERAL.—In the case of any taxpayer who—

''(1) is engaged in the trade or business of storing and dispensing fuel into the fuel tanks of motor vehicles propelled by such fuel,

''(2) with respect to such trade or business places in service any qualified alternative fuel vehicle refueling property which stores and dispenses zero carbon emission fuel, and

''(3) elects the application of this section,

gross income shall not include any income derived from such trade or business (including any income derived from any activities ancillary to such trade or business and carried on for the convenience of customers refueling motor

vehicles) during the 1-year period beginning on the date such property was placed in service.

"(b) SPECIAL RULES AND DEFINITIONS.—

"(1) POINT-OF-SALE CHARGER ACCESS FEE.—

"(A) IN GENERAL.—For purposes of subsection (a), in the case of any qualified alternative fuel vehicle refueling property the only consideration for the use of which is allocable to a portion of the purchase price of a vehicle paid at the point of sale of such vehicle, the taxpayer may elect to treat such allocable portion as the only gross income derived from the trade or business of storing and dispensing fuel into the fuel tanks of motor vehicles.

"(B) LIMITATION.—Subparagraph (A) shall only apply with respect to any portion of the purchase price of a vehicle the original use of which commences with the purchaser and which is acquired for use or lease by such purchaser and not for resale.

"(2) COORDINATION WITH ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.—No credit shall be allowed under section 30C with respect to any taxable year of the taxpayer during which an election is in effect under this section.

"(3) SPECIAL RULE FOR ELECTRIC VEHICLE SUPPLY EQUIPMENT.—This section shall not apply with respect to qualified fuel vehicle refueling property that dispenses electricity unless such property utilizes a DC Fast Charge or technologically equivalent or superior system capable of replenishing at least 150 miles of electric-only range in not more than 30 minutes.

"(4) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY; ZERO CARBON EMISSION FUEL.—For purposes of this section, the terms 'qualified alternative fuel vehicle refueling property' and 'zero carbon emission fuel' shall have the respective meanings given such terms in section 30C.

"(5) ELECTION.—A taxpayer (including any successor in interest) may only elect the application of this section once.

"(c) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2024.".

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