

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 267

Senators Seitz, Peterson

A BILL

To amend sections 5735.01, 5735.012, 5747.98, and 1
5751.98 and to enact sections 122.079, 5735.015, 2
5735.016, 5747.78, and 5751.55 of the Revised 3
Code to create the Gaseous Fuel Vehicle 4
Conversion Program, to allow a credit against 5
the income or commercial activity tax for the 6
purchase or conversion of an alternative fuel 7
vehicle, to apply the motor fuel tax to the 8
distribution or sale of compressed natural gas, 9
to authorize a temporary, partial motor fuel tax 10
exemption for sales of liquid and compressed 11
natural gas used as motor fuel, and to make an 12
appropriation. 13

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5735.01, 5735.012, 5747.98, and 14
5751.98 be amended and sections 122.079, 5735.015, 5735.016, 15
5747.78, and 5751.55 of the Revised Code be enacted to read as 16
follows: 17

Sec. 122.079. (A) As used in this section: 18

(1) "Compressed natural gas" means a clear, odorless, and 19

noncorrosive natural gas that is compressed to a pressure of at 20
least three thousand eight hundred pounds per square inch but 21
less than four thousand five hundred pounds per square inch. 22

(2) "Gaseous fuel" means compressed natural gas, liquefied 23
natural gas, or liquid petroleum gas. 24

(3) "Incremental cost" means the excess cost associated 25
with the purchase of a vehicle originally equipped by the 26
manufacturer to operate on gaseous fuel as compared to the 27
purchase of an equivalent vehicle that operates on gasoline or 28
diesel fuel. 29

(4) "Liquefied natural gas" means natural gas that is 30
cooled to negative two hundred sixty degrees fahrenheit and is 31
in a liquefied state. 32

(5) "Liquid petroleum gas" means a material with a vapor 33
pressure not exceeding that of commercial propane which is 34
composed predominately of the following hydrocarbons or 35
mixtures: propane, propylene, butane (normal butane or 36
isobutane), and butylene. 37

(6) "Nonprofit corporation" has the same meaning as in 38
section 1702.01 of the Revised Code. 39

(7) "Public transportation system" means a county transit 40
system operated in accordance with sections 306.01 to 306.13 of 41
the Revised Code, a regional transit authority operated in 42
accordance with sections 306.30 to 306.71 of the Revised Code, 43
or a regional transit commission operated in accordance with 44
sections 306.80 to 306.90 of the Revised Code. 45

(8) "School district" means a "city school district" as 46
defined in section 3311.02 of the Revised Code, a "local school 47
district" as defined in section 3311.03 of the Revised Code, an 48

"exempted village school district" as defined in section 3311.04 49
of the Revised Code, or a "joint vocational school district" as 50
defined in section 3311.18 of the Revised Code. 51

(B) For the purpose of promoting the conversion of public 52
fleets to operate on cleaner fuels, the director of 53
environmental protection shall administer a gaseous fuel vehicle 54
conversion program under which the director may make grants to a 55
state agency, a political subdivision of the state, a school 56
district, a public transportation system, or a nonprofit 57
corporation for the conversion of a vehicle to operate on 58
gaseous fuel or for the incremental cost associated with the 59
purchase of a vehicle originally equipped by the manufacturer to 60
operate on gaseous fuel. 61

(C) The director shall adopt rules in accordance with 62
Chapter 119. of the Revised Code that are necessary for the 63
administration of the gaseous fuel vehicle conversion program. 64
The rules shall establish all of the following: 65

(1) An application form and procedures governing the 66
process for applying to receive a grant under the program; 67

(2) Grant eligibility requirements; 68

(3) A maximum grant amount of five hundred thousand 69
dollars per eligible entity; 70

(4) Any other procedures, criteria, or grant terms that 71
the director determines necessary to administer the program. 72

(D) There is hereby created in the state treasury the 73
gaseous fuel vehicle conversion fund, which shall consist of 74
money transferred to the fund by the general assembly. The money 75
in the fund shall be used solely to make grants under the 76
gaseous fuel vehicle conversion program. Any interest earned 77

from money in the fund shall be used to administer the gaseous 78
fuel vehicle conversion program. 79

Sec. 5735.01. As used in this chapter: 80

(A) "Motor vehicles" includes all vehicles, vessels, 81
watercraft, engines, machines, or mechanical contrivances which 82
are powered by internal combustion engines or motors. 83

(B) "Motor fuel" means compressed natural gas and any 84
liquid motor fuel, including, but not limited to, gasoline, 85
diesel fuel, K-1 kerosene, or any other liquid motor fuel, 86
including, but not limited to, liquid petroleum gas, or liquid 87
natural gas, but excluding substances prepackaged and sold in 88
containers of five gallons or less. 89

(C) "K-1 kerosene" means fuel that conforms to the 90
chemical and physical standards for kerosene no. 1-K as set 91
forth in the American society for testing and materials (ASTM) 92
designated D-3699 "standard for specification for kerosene," as 93
that standard may be modified from time to time. For purposes of 94
inspection and testing, laboratory analysis shall be conducted 95
using methods recognized by the ASTM designation D-3699. 96

(D) "Diesel fuel" means any liquid fuel capable of use in 97
discrete form or as a blend component in the operation of 98
engines of the diesel type, including transmix when mixed with 99
diesel fuel. 100

(E) "Gasoline" means any of the following: 101

(1) All products, commonly or commercially known or sold 102
as gasoline; 103

(2) Any blend stocks or additives, including alcohol, that 104
are sold for blending with gasoline, other than products 105

typically sold in containers of five gallons or less;	106
(3) Transmix when mixed with gasoline, unless certified,	107
as required by the tax commissioner, for withdrawal from	108
terminals for reprocessing at refineries;	109
(4) Alcohol that is offered for sale or sold for use as,	110
or commonly and commercially used as, a fuel for internal	111
combustion engines.	112
Gasoline does not include diesel fuel, commercial or	113
industrial naphthas or solvents manufactured, imported, received,	114
stored, distributed, sold, or used exclusively for purposes	115
other than as a motor fuel for a motor vehicle or vessel. The	116
blending of any of the products listed in the preceding	117
sentence, regardless of name or characteristics, is conclusively	118
presumed to have been done to produce gasoline, unless the	119
product obtained by the blending is entirely incapable for use	120
as fuel to operate a motor vehicle. An additive, blend stock, or	121
alcohol is presumed to be sold for blending unless a	122
certification is obtained as required by the tax commissioner.	123
(F) "Public highways" means lands and lots over which the	124
public, either as user or owner, generally has a right to pass,	125
even though the same are closed temporarily by the authorities	126
for the purpose of construction, reconstruction, maintenance, or	127
repair.	128
(G) "Waters within the boundaries of this state" means all	129
streams, lakes, ponds, marshes, water courses, and all other	130
bodies of surface water, natural or artificial, which are	131
situated wholly or partially within this state or within its	132
jurisdiction, except private impounded bodies of water.	133
(H) "Person" includes individuals, partnerships, firms,	134

associations, corporations, receivers, trustees in bankruptcy, 135
estates, joint-stock companies, joint ventures, the state and 136
its political subdivisions, and any combination of persons of 137
any form. 138

(I) (1) "Motor fuel dealer" means any person who satisfies 139
any of the following: 140

(a) The person imports from another state or foreign 141
country or acquires motor fuel by any means into a terminal in 142
this state; 143

(b) The person imports motor fuel from another state or 144
foreign country in bulk lot vehicles for subsequent sale and 145
distribution in this state from bulk lot vehicles; 146

(c) The person refines motor fuel in this state; 147

(d) The person acquires motor fuel from a motor fuel 148
dealer for subsequent sale and distribution by that person in 149
this state from bulk lot vehicles; 150

(e) The person possesses an unrevoked permissive motor 151
fuel dealer's license. 152

(2) Any person who obtains dyed diesel fuel for use other 153
than the operation of motor vehicles upon the public highways or 154
upon waters within the boundaries of this state, but later uses 155
that motor fuel for the operation of motor vehicles upon the 156
public highways or upon waters within the boundaries of this 157
state, is deemed a motor fuel dealer as regards any unpaid motor 158
fuel taxes levied on the motor fuel so used. 159

(J) As used in sections 5735.05, 5735.25, 5735.29, and 160
5735.30 of the Revised Code only: 161

(1) With respect to gasoline, "received" or "receipt" 162

shall be construed as follows: 163

(a) Gasoline produced at a refinery in this state or 164
delivered to a terminal in this state is deemed received when it 165
is disbursed through a loading rack at that refinery or 166
terminal; 167

(b) Except as provided in division (J) (1) (a) of this 168
section, gasoline imported into this state or purchased or 169
otherwise acquired in this state by any person is deemed 170
received within this state by that person when the gasoline is 171
withdrawn from the container in which it was transported; 172

(c) Gasoline delivered or disbursed by any means from a 173
terminal directly to another terminal is not deemed received. 174

(2) With respect to motor fuel other than gasoline, 175
"received" or "receipt" means distributed or sold for use or 176
used to generate power for the operation of motor vehicles upon 177
the public highways or upon waters within the boundaries of this 178
state. All diesel fuel that is not dyed diesel fuel, regardless 179
of its use, shall be considered as used to generate power for 180
the operation of motor vehicles upon the public highways or upon 181
waters within the boundaries of this state when the fuel is sold 182
or distributed to a person other than a licensed motor fuel 183
dealer or to a person licensed under section 5735.026 of the 184
Revised Code. 185

(K) Motor fuel used for the operation of licensed motor 186
vehicles employed in the maintenance, construction, or repair of 187
public highways is deemed to be used for the operation of motor 188
vehicles upon the public highways. 189

(L) "Licensed motor fuel dealer" means any dealer 190
possessing an unrevoked motor fuel dealer's license issued by 191

the tax commissioner as provided in section 5735.02 of the Revised Code.

(M) "Licensed retail dealer" means any retail dealer possessing an unrevoked retail dealer's license issued by the tax commissioner as provided in section 5735.022 of the Revised Code.

(N) "Cents per gallon rate" means the amount computed by the tax commissioner under section 5735.011 of the Revised Code that is used to determine that portion of the tax levied by section 5735.05 of the Revised Code that is computed in the manner prescribed by division (B)(2) of section 5735.06 of the Revised Code and that is applicable for the period that begins on the first day of July following the date on which the commissioner makes the computation.

(O) "Retail dealer" means any person that sells or distributes motor fuel at a retail service station located in this state.

(P) "Retail service station" means a location from which motor fuel is sold to the general public and is dispensed or pumped directly into motor vehicle fuel tanks for consumption.

(Q) "Transit bus" means a motor vehicle that is operated for public transit or paratransit service on a regular and continuing basis within the state by or for a county, a municipal corporation, a county transit board pursuant to sections 306.01 to 306.13 of the Revised Code, a regional transit authority pursuant to sections 306.30 to 306.54 of the Revised Code, or a regional transit commission pursuant to sections 306.80 to 306.90 of the Revised Code. Public transit or paratransit service may include fixed route, demand-responsive,

or subscription bus service transportation, but does not include 221
shared-ride taxi service, carpools, vanpools, jitney service, 222
school bus transportation, or charter or sightseeing services. 223

(R) "Export" means motor fuel delivered outside this 224
state. Motor fuel delivered outside this state by or for the 225
seller constitutes an export by the seller. Motor fuel delivered 226
outside this state by or for the purchaser constitutes an export 227
by the purchaser. 228

(S) "Import" means motor fuel delivered into this state 229
from outside this state. Motor fuel delivered into this state 230
from outside this state by or for the seller constitutes an 231
import by the seller. Motor fuel delivered into this state from 232
outside this state by or for the purchaser constitutes an import 233
by the purchaser. 234

(T) "Terminal" means a motor fuel storage or distribution 235
facility that is supplied by pipeline or marine vessel. 236

(U) "Consumer" means a buyer of motor fuel for purposes 237
other than resale in any form. 238

(V) "Bulk lot vehicle" means railroad tank cars, transport 239
tank trucks, and tank wagons with a capacity of at least 1,400 240
gallons. 241

(W) "Licensed permissive motor fuel dealer" means any 242
person possessing an unrevoked permissive motor fuel dealer's 243
license issued by the tax commissioner under section 5735.021 of 244
the Revised Code. 245

(X) "Licensed terminal operator" means any person 246
possessing an unrevoked terminal operator's license issued by 247
the tax commissioner under section 5735.026 of the Revised Code. 248

(Y) "Licensed exporter" means any person possessing an unrevoked exporter's license issued by the tax commissioner under section 5735.026 of the Revised Code.	249 250 251
(Z) "Dyed diesel fuel" means any diesel fuel dyed pursuant to regulations issued by the internal revenue service or a rule promulgated by the tax commissioner.	252 253 254
(AA) "Gross gallons" means U.S. gallons without temperature or barometric adjustments.	255 256
(BB) "Net gallons" means U.S. gallons with a temperature adjustment to sixty degrees fahrenheit.	257 258
(CC) "Transporter" means either of the following:	259
(1) A railroad company, street, suburban, or interurban railroad company, a pipeline company, or water transportation company that transports motor fuel, either in interstate or intrastate commerce, to points in this state;	260 261 262 263
(2) A person that transports motor fuel by any manner to a point in this state.	264 265
(DD) "Exporter" means either of the following:	266
(1) A person that is licensed to collect and remit motor fuel taxes in a specified state of destination;	267 268
(2) A person that is statutorily prohibited from obtaining a license to collect and remit motor fuel taxes in a specified state of destination, and is licensed to sell or distribute tax-paid motor fuel in the specified state of destination.	269 270 271 272
(EE) "Report" means a report or return required to be filed under this chapter and may be used interchangeably with, and for all purposes has the same meaning as, "return."	273 274 275

Sec. 5735.012. With respect to liquid motor fuel other 276
than liquid natural gas, amounts of motor fuel reported under 277
this chapter shall be measured in gross gallons, except that 278
amounts reported for terminal to terminal transactions shall be 279
measured in net gallons and amounts reported for terminal to 280
Ohio licensed dealer transactions shall be measured in both net 281
gallons and gross gallons. Amounts of liquid natural gas shall 282
be measured in gallon equivalents as described in section 283
5735.013 of the Revised Code. Amounts of compressed natural gas 284
shall be measured in gallon equivalents as described in section 285
5735.015 of the Revised Code. 286

Sec. 5735.015. For the purposes of this chapter, the 287
following amount of compressed natural gas shall be the 288
equivalent of one gallon of motor fuel: 289

(A) For compressed natural gas that is received through a 290
dispenser capable of providing a measurement in pounds, six and 291
thirty-eight one-hundredths pounds of compressed natural gas; 292

(B) For compressed natural gas that is not received as 293
provided in division (A) of this section, one hundred thirty- 294
nine and three-tenths cubic feet of compressed natural gas, or 295
the amount of compressed natural gas that has a lower heating 296
value of one hundred twenty-nine thousand five hundred British 297
thermal units. 298

Sec. 5735.016. (A) Notwithstanding any other provision of 299
this chapter, the total combined rate of tax imposed under this 300
chapter upon the receipt of compressed natural gas, liquid 301
natural gas, or propane received on or after the first day of 302
the first month after the effective date of the enactment of 303
this section and before the first day of the one hundred twenty- 304
first month after that effective date shall be the following: 305

(1) For compressed natural gas, liquid natural gas, or propane received on or after the first day of the first month after that effective date and before the first day of the thirty-seventh month after that effective date, zero cents per gallon; 306
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(2) For compressed natural gas, liquid natural gas, or propane received on or after the first day of the thirty-seventh month after that effective date and before the first day of the forty-ninth month after that effective date, five cents per gallon; 311
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(3) For compressed natural gas, liquid natural gas, or propane received on or after the first day of the forty-ninth month after that effective date and before the first day of the sixty-first month after that effective date, six cents per gallon; 316
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(4) For compressed natural gas, liquid natural gas, or propane received on or after the first day of the sixty-first month after that effective date and before the first day of the ninety-seventh month after that effective date, seven cents per gallon; 321
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(5) For compressed natural gas, liquid natural gas, or propane received on or after the first day of the ninety-seventh month after that effective date and before the first day of the one hundred twenty-first month after that effective date, fourteen cents per gallon. 326
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(B) All receipts from taxes imposed at the rates described in division (A) of this section shall be distributed as follows: 331
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(1) Seventeen twenty-eighths shall be distributed in the same manner as required for receipts from the tax levied by 333
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section 5735.05 of the Revised Code. 335

(2) Eight twenty-eighths shall be distributed in the same 336
manner as required for receipts from the tax levied by section 337
5735.29 of the Revised Code. 338

(3) Two twenty-eighths shall be distributed in the same 339
manner as required for receipts from the tax levied by section 340
5735.25 of the Revised Code. 341

(4) One twenty-eighth shall be distributed in the same 342
manner as required for receipts from the tax levied by section 343
5735.30 of the Revised Code. 344

Sec. 5747.78. (A) As used in this section: 345

(1) "Alternative fuel" means compressed natural gas, 346
liquid natural gas, or liquid petroleum gas. 347

(2) "Alternative fuel vehicle" means a motor vehicle that 348
is registered in this state for operation on public highways and 349
that is propelled by a motor that runs on alternative fuel. 350
"Alternative fuel vehicle" includes a bi-fueled or dual-fueled 351
vehicle with a motor that can run on both alternative fuel and 352
on gasoline or diesel fuel. 353

(3) "New alternative fuel vehicle" means an alternative 354
fuel vehicle that meets all of the following criteria: 355

(a) The taxpayer purchased the vehicle from an original 356
equipment manufacturer, automobile retailer, or after-market 357
conversion facility. 358

(b) The taxpayer was the first person to purchase the 359
vehicle for personal use or for use in business and not for 360
resale. 361

(c) The alternative fuel technology used in the vehicle 362
has received a compliance designation or been certified by the 363
United States environmental protection agency for new or 364
intermediate use. 365

(d) If the vehicle is propelled by a motor that runs on 366
compressed natural gas, at least five years remain until the 367
date established by the manufacturer of the compressed natural 368
gas tank as the end-of-life date for the tank. 369

(4) "Traditional fuel vehicle" means a motor vehicle that 370
is registered in this state for operation on public highways and 371
that is propelled by gasoline or diesel fuel. 372

(5) "Adjusted purchase price" means the portion of the 373
purchase price of a new alternative fuel vehicle that is 374
attributable to the parts and equipment used for the storage of 375
alternative fuel, the delivery of alternative fuel to the motor, 376
and the exhaust of gases from the combustion of alternative 377
fuel. 378

(6) "Conversion parts and equipment" shall not include 379
parts and equipment that have previously been used to modify or 380
retrofit another traditional fuel vehicle. 381

(B) A nonrefundable credit may be claimed against the tax 382
imposed by section 5747.02 of the Revised Code by a taxpayer 383
that, on or after the effective date of the enactment of this 384
section and before the first day of the sixty-first month after 385
that effective date, purchases a new alternative fuel vehicle or 386
converts a traditional fuel vehicle into an alternative fuel 387
vehicle. The amount of the credit shall equal the lesser of 388
fifty per cent of the adjusted purchase price of the new 389
alternative fuel vehicle or of the cost of the conversion parts 390

and equipment, as applicable, or one of the following amounts: 391

(1) For the purchase or conversion of an alternative fuel 392
vehicle with a gross vehicle rating of eight thousand five 393
hundred pounds or less, five thousand dollars; 394

(2) For the purchase or conversion of an alternative fuel 395
vehicle with a gross vehicle rating equal to or less than ten 396
thousand pounds, but more than eight thousand five hundred 397
pounds, ten thousand dollars; 398

(3) For the purchase or conversion of an alternative fuel 399
vehicle with a gross vehicle rating of more than ten thousand 400
pounds, twenty-five thousand dollars. 401

The taxpayer shall claim the credit for the taxable year 402
in which the taxpayer purchases the new alternative fuel vehicle 403
or the conversion parts and equipment. 404

(C) The taxpayer shall claim a credit allowed under this 405
section in the order required by section 5747.98 of the Revised 406
Code. The credit, to the extent it exceeds the taxpayer's tax 407
liability for a taxable year after allowing for any other 408
credits that precede the credit under that section, may be 409
carried forward to the next succeeding taxable year or years, 410
but the amount of the excess credit claimed for any taxable year 411
shall be deducted from the balance carried forward to the next 412
taxable year. 413

(D) Not more than one credit shall be allowed under this 414
section or section 5751.55 of the Revised Code on the basis of 415
the same alternative fuel vehicle or same conversion parts and 416
equipment. 417

(E) A taxpayer that is an equity investor in a pass- 418
through entity that purchases a new alternative fuel vehicle or 419

converts a traditional fuel vehicle into an alternative fuel 420
vehicle within the time period prescribed in division (B) of 421
this section may claim the taxpayer's distributive or 422
proportionate share of the credit for the taxpayer's taxable 423
year that includes the last day of the entity's taxable year in 424
which the vehicle or conversion parts and equipment were 425
purchased. 426

(F) The tax commissioner may promulgate any rules 427
necessary for the administration of this section. 428

Sec. 5747.98. (A) To provide a uniform procedure for 429
calculating a taxpayer's aggregate tax liability under section 430
5747.02 of the Revised Code, a taxpayer shall claim any credits 431
to which the taxpayer is entitled in the following order: 432

(1) Either the retirement income credit under division (B) 433
of section 5747.055 of the Revised Code or the lump sum 434
retirement income credits under divisions (C), (D), and (E) of 435
that section; 436

(2) Either the senior citizen credit under division (F) of 437
section 5747.055 of the Revised Code or the lump sum 438
distribution credit under division (G) of that section; 439

(3) The dependent care credit under section 5747.054 of 440
the Revised Code; 441

(4) The low-income credit under section 5747.056 of the 442
Revised Code; 443

(5) The credit for displaced workers who pay for job 444
training under section 5747.27 of the Revised Code; 445

(6) The campaign contribution credit under section 5747.29 446
of the Revised Code; 447

(7) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	448 449
(8) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	450 451
(9) The earned income credit under section 5747.71 of the Revised Code;	452 453
(10) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	454 455
(11) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	456 457
(12) The enterprise zone credit under section 5709.66 of the Revised Code;	458 459
(13) The ethanol plant investment credit under section 5747.75 of the Revised Code;	460 461
(14) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	462 463
(15) The small business investment credit under section 5747.81 of the Revised Code;	464 465
(16) The enterprise zone credits under section 5709.65 of the Revised Code;	466 467
(17) The research and development credit under section 5747.331 of the Revised Code;	468 469
(18) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	470 471
(19) <u>The credit for the purchase or conversion of an alternative fuel vehicle under section 5747.78 of the Revised Code;</u>	472 473 474

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<u>(20)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	476 477
(20) <u>(21)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	478 479
(21) <u>(22)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	480 481
(22) <u>(23)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	482 483 484
(23) <u>(24)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	485 486 487
(24) <u>(25)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	488 489 490
(25) <u>(26)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	491 492 493 494
(26) <u>(27)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	495 496
(27) <u>(28)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	497 498 499
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division	500 501

(H) of section 5747.08 of the Revised Code, the amount of the 502
credit for a taxable year shall not exceed the taxpayer's 503
aggregate amount of tax due under section 5747.02 of the Revised 504
Code, after allowing for any other credit that precedes it in 505
the order required under this section. Any excess amount of a 506
particular credit may be carried forward if authorized under the 507
section creating that credit. Nothing in this chapter shall be 508
construed to allow a taxpayer to claim, directly or indirectly, 509
a credit more than once for a taxable year. 510

Sec. 5751.55. (A) As used in this section, "alternative 511
fuel," "alternative fuel vehicle," "new alternative fuel 512
vehicle," "traditional fuel vehicle," "adjusted purchase price," 513
and "conversion parts and equipment" have the same meanings as 514
in section 5747.78 of the Revised Code. 515

(B) A nonrefundable credit may be claimed against the tax 516
imposed by section 5751.02 of the Revised Code by a taxpayer 517
that, on or after the effective date of the enactment of this 518
section by this act and before the first day of the sixty-first 519
month after that effective date, purchases a new alternative 520
fuel vehicle or converts a traditional fuel vehicle into an 521
alternative fuel vehicle. The amount of the credit shall equal 522
the lesser of fifty per cent of the adjusted purchase price of 523
the new alternative fuel vehicle or of the cost of the 524
conversion parts and equipment, as applicable, or one of the 525
following amounts: 526

(1) For the purchase or conversion of an alternative fuel 527
vehicle with a gross vehicle rating of eight thousand five 528
hundred pounds or less, five thousand dollars; 529

(2) For the purchase or conversion of an alternative fuel 530
vehicle with a gross vehicle rating equal to or less than ten 531

thousand pounds, but more than eight thousand five hundred 532
pounds, ten thousand dollars; 533

(3) For the purchase or conversion of an alternative fuel 534
vehicle with a gross vehicle rating of more than ten thousand 535
pounds, twenty-five thousand dollars. 536

The taxpayer shall claim the credit for the tax period in 537
which the taxpayer purchases the new alternative fuel vehicle or 538
the conversion parts and equipment. 539

(C) The taxpayer shall claim a credit allowed under this 540
section in the order required by section 5751.98 of the Revised 541
Code. The credit, to the extent it exceeds the taxpayer's tax 542
liability for a tax period after allowing for any other credits 543
that precede the credit under that section, may be carried 544
forward to the next succeeding tax period or periods, but the 545
amount of the excess credit claimed for any tax period shall be 546
deducted from the balance carried forward to the next tax 547
period. 548

(D) Not more than one credit shall be allowed under this 549
section or section 5747.78 of the Revised Code on the basis of 550
the same alternative fuel vehicle or same conversion parts and 551
equipment. 552

(E) The tax commissioner may promulgate any rules 553
necessary for the administration of this section. 554

Sec. 5751.98. (A) To provide a uniform procedure for 555
calculating the amount of tax due under this chapter, a taxpayer 556
shall claim any credits to which it is entitled in the following 557
order: 558

(1) The nonrefundable jobs retention credit under division 559
(B) of section 5751.50 of the Revised Code; 560

(2) The nonrefundable credit for qualified research expenses under division (B) of section 5751.51 of the Revised Code;	561 562 563
(3) The nonrefundable credit for a borrower's qualified research and development loan payments under division (B) of section 5751.52 of the Revised Code;	564 565 566
(4) The nonrefundable credit for calendar years 2010 to 2029 for unused net operating losses under division (B) of section 5751.53 of the Revised Code;	567 568 569
(5) <u>The nonrefundable credit for the purchase or conversion of an alternative fuel vehicle under section 5751.55 of the Revised Code;</u>	570 571 572
<u>(6)</u> The refundable motion picture production credit under section 5751.54 of the Revised Code;	573 574
(6) <u>(7)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5751.50 of the Revised Code;	575 576 577
(7) <u>(8)</u> The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code.	578 579 580
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit.	581 582 583 584 585 586
Section 2. That existing sections 5735.01, 5735.012, 5747.98, and 5751.98 of the Revised Code are hereby repealed.	587 588

Section 3. The amendment or enactment by this act of 589
sections 5735.01, 5735.012, and 5735.015 of the Revised Code 590
applies on and after the first day of the first month after the 591
effective date of this act. 592

Section 4. All items in this section are hereby 593
appropriated as designated out of any moneys in the state 594
treasury to the credit of the designated fund. For all 595
appropriations made in this act, those in the first column are 596
for fiscal year 2016 and those in the second column are for 597
fiscal year 2017. The appropriations made in this act are in 598
addition to any other appropriations made for the FY 2016-FY 599
2017 biennium. 600

EPA ENVIRONMENTAL PROTECTION AGENCY 601

Dedicated Purpose Fund Group 602

5NP0 715695 Gaseous Fuel Vehicle \$16,000,000 \$16,000,000 603

Conversion Program 604

TOTAL DPF \$16,000,000 \$16,000,000 605

Dedicated Purpose Fund Group 606

TOTAL ALL BUDGET FUND GROUPS \$16,000,000 \$16,000,000 607

GASEOUS FUEL VEHICLE CONVERSION PROGRAM 608

The foregoing appropriation item 715695, Gaseous Fuel 609
Vehicle Conversion Program, shall be used for the purpose of 610
funding the Gaseous Fuel Vehicle Conversion Program established 611
in section 122.079 of the Revised Code. 612

It is the intent of the General Assembly to appropriate 613
\$16,000,000 in each fiscal year of the biennium ending June 30, 614
2019, and in the first fiscal year of the biennium ending June 615

30, 2021, to the Gaseous Fuel Vehicle Conversion Fund (Fund 616
5NP0) for the purposes of the program established in section 617
122.079 of the Revised Code. 618

Section 5. CASH TRANSFERS FROM GENERAL REVENUE FUND TO 619
GASEOUS FUEL VEHICLE CONVERSION FUND 620

On the effective date of this section, or as soon as 621
possible thereafter, the Director of Budget and Management shall 622
transfer \$16,000,000 cash from the General Revenue Fund to the 623
Gaseous Fuel Vehicle Conversion Fund (Fund 5NP0). 624

On July 1, 2016, or as soon as possible thereafter, the 625
Director of Budget and Management shall transfer \$16,000,000 626
cash from the General Revenue Fund to Fund 5NP0. 627

Section 6. Within the limits set forth in this act, the 628
Director of Budget and Management shall establish accounts 629
indicating the source and amount of funds for each appropriation 630
made in this act, and shall determine the form and manner in 631
which appropriation accounts shall be maintained. Expenditures 632
from appropriations contained in this act shall be accounted for 633
as though made in the main operating appropriations act of the 634
131st General Assembly. 635

The appropriations made in this act are subject to all 636
provisions of the main operating appropriations act of the 131st 637
General Assembly that are generally applicable to such 638
appropriations. 639