

AMENDED IN ASSEMBLY MAY 20, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 945

Introduced by Assembly Member Ting

February 26, 2015

An act to add and repeal Section 6377 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 945, as amended, Ting. Sales and use taxes: exemption: low-emission vehicles.

Existing sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for the storage, use, or other consumption in this state, and provides various exemptions from those taxes.

The bill, on and after January 1, 2016, until January 1, ~~2020~~, 2021, would provide a partial exemption from those taxes with respect to the sale of specified low-emission vehicles, as provided.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing law authorizes districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which conforms to the Sales and Use Tax Law. Amendments to state sales and use taxes are incorporated into these laws.

This bill would specify that this exemption does not apply to local sales and use taxes or transactions and use taxes.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6377 is added to the Revenue and
2 Taxation Code, to read:

3 6377. (a) There are exempted from the taxes imposed by this
4 part that portion of the gross receipts from the sale of, and that
5 portion of the sales price with respect to the storage, use, or other
6 consumption in this state of, a qualified motor vehicle, that is equal
7 to the greater of the following:

8 (1) The sum of both of the following:

9 (A) The amount of any new Qualified Plug-in Electric Drive
10 Motor Vehicle credit received with respect to the qualified motor
11 vehicle under Section 30D of the Internal Revenue Code.

12 (B) The amount of any state incentive amount received,
13 awarded, or allowed with respect to the qualified motor vehicle
14 under the Clean Vehicle Rebate Project, the California Hybrid and
15 Zero-Emission Truck and Bus Voucher Incentive Project, or the
16 On-Road Heavy-Duty Voucher Incentive Program within the Carl
17 Moyer Program.

18 (2) The trade-in value of a motor vehicle that is traded in for
19 the qualified motor vehicle if the value of the trade-in motor vehicle
20 is separately stated on the new motor vehicle invoice or bill of sale
21 or similar document provided to the purchaser.

22 (b) For purposes of this section, “qualified motor vehicle” means
23 a motor vehicle that receives, or is awarded or allowed, either or
24 both of the following:

25 (1) A credit for a Qualified Plug-in Electric Drive Motor Vehicle
26 under Section 30D of the Internal Revenue Code.

27 (2) A state incentive amount under the Clean Vehicle Rebate
28 Project, the California Hybrid and Zero-Emission Truck and Bus
29 Voucher Incentive Project, or the On-Road Heavy-Duty Voucher
30 Incentive Program within the Carl Moyer Program.

31 (c) (1) Notwithstanding any provision of the Bradley-Burns
32 Uniform Local Sales and Use Tax law (Part 1.5 (commencing with

1 Section 7200)) or the Transactions and Use Tax Law (Part 1.6
2 ~~(commencing~~ (*commencing* with Section 7251)), the exemption
3 established by this section shall not apply with respect to any tax
4 levied by a city, county, city and county, or district pursuant to,
5 or in accordance with, either of those laws.

6 (2) Notwithstanding subdivision (a), the exemption established
7 by this section shall not apply with respect to any tax levied
8 pursuant to Section 6051.2, 6051.5, 6201.2, or 6201.5, pursuant
9 to Section 35 or subdivision (f) of Section 36 of Article XIII of
10 the California Constitution, or any tax levied pursuant to Section
11 6051 or 6201 that is deposited in the State Treasury to the credit
12 of the Local Revenue Fund 2011 pursuant to Section 6051.15 or
13 6201.15.

14 (d) This section shall become operative on January 1, 2016,
15 and shall remain in effect only until January 1, ~~2020~~, *2021*, and as
16 of that date is repealed, unless a later enacted statute, that is enacted
17 before January 1, ~~2020~~, *2021*, deletes or extends that date.

18 SEC. 2. This act provides for a tax levy within the meaning
19 of Article IV of the Constitution and shall go into immediate effect.