

HOUSE No. 3027

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others for legislation to encourage the purchase of energy efficient fuel vehicles by providing certain sales tax rebates and excise tax exemptions. Revenue.

The Commonwealth of Massachusetts

PETITION OF:

J. James Marzilli, Jr.	Carl M. Sciortino, Jr.
Mary E. Grant	Jay R. Kaufman
Peter V. Kocot	James E. Timilty
Anne M. Gobi	Jennifer M. Callahan
David B. Sullivan	Steven J. D'Amico
Bruce E. Tarr	

In the Year Two Thousand and Seven.

AN ACT TO ENCOURAGE THE PURCHASE OF ENERGY EFFICIENT FUEL VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by adding the
3 following section:—
4 Section 3F. (a) Within 30 days of the annual release of U.S. Envi-
5 ronmental Protection Agency's and Department of Energy's Fuel
6 Economy Guide hereinafter referred to as "the Guide," the commis-
7 sioner of the department of environmental protection, in consultation
8 with the commissioner of revenue, shall establish annually three
9 schedules of energy efficient light-duty passenger vehicles for the
10 purposes of sales tax rebates and excise tax exemptions pursuant to
11 Section 25 of Chapter 64H and Section 1A of Chapter 60A. The
12 three schedules shall be grouped based on seating capacity and
13 include 2-4 seat passenger vehicles (excluding motorcycles), 5-6
14 seat passenger vehicles, and vehicles that seat 7 or more passengers.
15 Each schedule shall include each vehicle's combined city and
16 highway mileage per gallon of regular gasoline (or energy

17 equivalent for clean diesel and alternative fuels) as determined by
18 the United States Environmental Protection Agency and a figure rep-
19 resenting the percentage of the vehicle that is American-made pur-
20 suant to Title 49 CFR Part 583, as amended.

21 (b) The Commissioner shall have the discretion to create a formula
22 that calculates what vehicles receive rebates or excise exemptions,
23 and the amounts of said rebates or exemptions. In calculating the
24 formula for eligible vehicles up to 20 per cent of the calculation may
25 be based on the percentage of the car's American-made content.

26 (c) The schedules shall be made available for public comment no
27 later than 30 days after the release of the Guide..

28 (d) No sales tax rebate or excise tax exemption shall be applied to
29 any vehicle previously titled for sale and each vehicle must be legal
30 for sale in Massachusetts pursuant to Section 142K of Chapter 111
31 and its implementing regulations

32 (e) The commissioner may promulgate guidance or regulations if
33 necessary to carry out the provisions of this section.

1 SECTION 2. Section 1 of Chapter 60A of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by adding
3 after the ninth paragraph the following new paragraph:-

4 The excise imposed by this section shall be reduced pursuant to
5 the schedule of energy efficient vehicles pursuant to section 3F of
6 chapter 21A. Within 30 days from close of public comment on the
7 schedule of energy efficient vehicles prepared by the department of
8 environmental protection pursuant to section 3F of chapter 21A, the
9 department of revenue shall distribute the final schedule to boards of
10 assessors and tax collectors within each municipality. The collector
11 of taxes of a municipality shall forward to the commissioner an
12 accounting of the reductions in excise made pursuant to this para-
13 graph, with a list of vehicles accounting for such reduction.

1 SECTION 3. Said Chapter 60A, as so appearing, is hereby
2 amended by adding the following new section:—

3 Section 1A. Subject to appropriation, the commissioner shall,
4 upon receipt of the list referenced in paragraph 10 of Section 1 of
5 this Chapter, reimburse cities and towns for excise tax reduced on
6 vehicles eligible under Section 3F of Chapter 21A.

1 SECTION 4. Section 25 of Chapter 64H of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by adding
3 at the end thereof the following:—

4 The commissioner of revenue shall rebate to consumers, upon
5 proof of sale within the tax year of an eligible vehicle, as defined
6 pursuant to Section 3F of Chapter 21 that portion of the sales tax eli-
7 gible for rebate. Notwithstanding any general or special law to the
8 contrary, the amounts rebated pursuant to this section shall not count
9 as an abatement with respect to calculation of the share of state sales
10 tax apportioned to the Massachusetts Bay Transportation Authority
11 or School Modernization and Reconstruction Trust Fund.

1 SECTION 5. This act shall take effect August 1, 2007.