

HOUSE No. 2845

By Mr. Patrick of Falmouth, a petition (accompanied by bill, House, No. 2845) of Matthew C. Patrick and others relative to sales tax rebates and excise tax exemptions for owners of certain motor vehicles. Revenue.

The Commonwealth of Massachusetts

PRESENTED BY:

Matthew C. Patrick

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Energy Efficient Vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Matthew C. Patrick	3rd Barnstable
Jay R. Kaufman	15th Middlesex
William N. Brownsberger	24th Middlesex
Jennifer M. Callahan	18th Worcester
Carl M. Sciortino, Jr.	34th Middlesex
David B. Sullivan	6th Bristol
Pam Richardson	6th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO ENERGY EFFICIENT 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 the 2004 Official Edition, is hereby
2 amended by adding the following section:-

3 Section 3F. (a) Within 30 days of the annual release of U.S. Environmental Protection Agency's
4 and Department of Energy's Fuel Economy Guide hereinafter referred to as "the Guide," the
5 commissioner of the department of environmental protection, in consultation with the
6 commissioner of revenue, shall establish annually three schedules of energy efficient light-duty
7 passenger vehicles for the purposes of sales tax rebates and excise tax exemptions pursuant to
8 section 25 of chapter 64H and section 1A of chapter 60A. The three schedules shall be grouped
9 based on seating capacity and include 2-4 seat passenger vehicles (excluding motorcycles), 5-6
10 seat passenger vehicles, and vehicles that seat 7 or more passengers. Each schedule shall include
11 each vehicle's combined city and highway mileage per gallon of regular gasoline (or energy
12 equivalent for clean diesel and alternative fuels) as determined by the United States
13 Environmental Protection Agency and a figure representing the percentage of the vehicle that is
14 American-made pursuant to Title 49 CFR Part 583, as amended.

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

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

21 (d) No sales tax rebate or excise tax exemption shall be applied to any vehicle previously
22 titled for sale and each vehicle must be legal for sale in Massachusetts pursuant to section
23 142K of chapter 111 and its implementing regulations.

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

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

28 The excise imposed by this section shall be reduced pursuant to the schedule of energy efficient
29 vehicles pursuant to section 3F of chapter 21A. Within 30 days from close of public comment on
30 the schedule of energy efficient vehicles prepared by the department of environmental protection
31 pursuant to section 3F of chapter 21A, the department of revenue shall distribute the final
32 schedule to boards of assessors and tax collectors within each municipality. The collector of
33 taxes of a municipality shall forward to the commissioner an accounting of the reductions in
34 excise made pursuant to this paragraph, with a list of vehicles accounting for such reduction.

35 **SECTION 3.** Said Chapter 60A, as so appearing, is hereby amended by adding the following new
36 section:-

37 Section 1A. Subject to appropriation, the commissioner shall, upon receipt of the list referenced
38 in paragraph 10 of section 1 of this chapter, reimburse cities and towns for excise tax reduced on
39 vehicles eligible under section 3F of chapter 21A.

40 **SECTION 4.** Section 25 of chapter 64H of the General Laws, as appearing in the 2004 Official Edition,
41 is hereby amended by adding at the end thereof the following:-

42 The commissioner of revenue shall rebate to consumers, upon proof of sale within the tax year of
43 an eligible vehicle, as defined pursuant to section 3F of chapter 21 that portion of the sales tax
44 eligible for rebate. Notwithstanding any general or special law to the contrary, the amounts
45 rebated pursuant to this section shall not count as an abatement with respect to calculation of the

46 share of state sales tax apportioned to the Massachusetts Bay Transportation Authority or School
47 Modernization and Reconstruction Trust Fund.