

2007 Form 8834
Qualified Electric Vehicle Credit

- Purpose:** This is the first circulated draft of the 2007 Form 8834, Qualified Electric Vehicle Credit. The major changes are discussed below.
- TPCC Meeting:** None scheduled, but may be arranged if requested.
- Instructions:** The 2007 Instructions for Form 8834 are included.
- Prior Revisions:** The 2006 Form 8834 and its instructions can be viewed by clicking on the following link:

<http://www.irs.gov/pub/irs-pdf/f8834.pdf>
- Other Products:** Circulations of draft tax forms, instructions, notices, and publications are posted at http://taxforms.web.irs.gov/draft_products.html.
- Comments:** Please call, mail, email, or fax any comments by Monday, June 11, 2007.

Major Changes 2007 Form 8834
Qualified Electric Vehicle Credit

1. All revision dates have been changed.
2. Lines:
1 through 8 have been deleted
9 has been renumbered line 1
10 has been deleted
11 through 20 have been renumbered 2 through 11
3. Line 16b (new line 7b) – the line references to the credits on Forms 1040 and 1040NR have been changed to reflect the 2007 forms.
(2/6/07 WRN F 1040, 1/29/07 WRN F 1040NR)
4. Purpose of form has changed to reflect it is to be used by individuals receiving Schedules K-1 or by those with passive activity income to be applied to a passive activity credit.

All changes, except for 3, are based on the expiration of IRC 30.

There is one Adobe Note that some may not be able to read. It is on line 2 of the form. It says the line 11 statement will be rewritten as line 1.

| | | | | | |
|--|---|-------------------------------|-----------------------------|------------------------|--------------|
| FROM: Paul. W. Miller SE:W:CAR:MP:T:I:F | EMAIL: Paul.W.Miller@irs.gov | PHONE: 202-293-2926 | FAX: 202-283-7008 | ROOM: C7-261 | DATE: |
|--|---|-------------------------------|-----------------------------|------------------------|--------------|

▶ **Attach to your tax return.**
▶ **See instructions on back.**

Name(s) shown on return

Identifying number

Part I Tentative Credit

Caution. This credit applies only to vehicles placed in service before 2007

| | | | |
|---|--|---|----------|
| 1 Qualified electric vehicle credits from pass-through entities: | | | |
| If you are a: | Then enter the total electric vehicle credits from: | | |
| Shareholder | Schedule K-1 (Form 1120S), box 13, code D, E, or P | } | 1 |
| Partner | Schedule K-1 (Form 1065), box 15, code D, E, or P | | |
| 2 | Passive activity credits included on line 11 (see instructions) | | 2 |
| 3 | Subtract line 2 from line 1 | | 3 |
| 4 | Passive activity credits allowed for 2007 (see instructions) | | 4 |
| 5 | Tentative qualified electric vehicle credit. Add lines 3 and 4. ▶ | | 5 |

Part II Allowable Credit

| | | | |
|-----------|---|-----------|-----------|
| 6 | Regular tax before credits. | | |
| | <ul style="list-style-type: none"> Individuals. Enter the amount from Form 1040, line 44, or Form 1040NR, line 41. Corporations. Enter the amount from Form 1120, Schedule J, line 2. Other filers. Enter the regular tax before credits from your return. | } | 6 |
| 7 | Credits that reduce regular tax before the qualified electric vehicle credit: | | |
| a | Credits from Form 1040, lines 47 through 50 and 52 through 54, or Form 1040NR, lines 44 and 45 and 47 through 49 | 7a | |
| b | Foreign tax credit | 7b | |
| c | American Samoa economic development credit (Form 5735) | 7c | |
| d | Add lines 7a through 7c | 7d | |
| 8 | Net regular tax. Subtract line 7d from line 6. If zero or less, do not file this form; you cannot claim this credit | | 8 |
| 9 | Tentative minimum tax (see instructions). | | |
| | <ul style="list-style-type: none"> Individuals. Enter the amount from Form 6251, line 33. Corporations. Enter the amount from Form 4626, line 12. Estates and trusts. Enter the amount from Form 1041, Schedule I, line 54. | } | 9 |
| 10 | Subtract line 9 from line 8. If zero or less, do not file this form; you cannot claim this credit | | |
| 11 | Qualified electric vehicle credit. Enter the smaller of line 5 or 10 here and on Form 1040, line 55; Form 1040NR, line 50; Form 1120, Schedule J, line 5b; Form 1041, Schedule G, line 2b; or the appropriate line of your return. If line 10 is smaller than line 5, see instructions. ▶ | | 11 |

General Instructions

Section references are to the Internal Revenue Code.

Purpose of Form

Use Form 8834 to claim the qualified electric vehicle credit as shown on Schedule K-1 from a partnership or S corporation. Form 8834 is also used to claim any passive activity credits.

Qualified Electric Vehicle

A qualified electric vehicle is any motor vehicle if all of the following apply.

- Manufactured primarily for use on public streets, roads, and highways, and has at least four wheels.
- Powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current.
- Originally used by you.
- Acquired for your own use and not for resale.

Exceptions. The qualified electric vehicle credit does not apply to vehicles that are:

- Operated exclusively on a rail or rails,
- Used primarily outside the United States,
- Used by a governmental unit or agency or any foreign person or entity, or
- Used by a tax-exempt organization (other than a section 521 farmers' cooperative) unless the property is used mainly in an unrelated trade or business taxed under section 511.

See section 50(b) for details and other exceptions that may apply.



Alternative motor vehicles that are not powered primarily by an electric motor are not qualified electric vehicles. However, they may qualify for the alternative motor vehicle credit. See Form 8910, Alternative Motor Vehicle Credit, for more details.

~~Basis Reduction~~

~~Unless you elect not to take the credit, you must reduce the basis of each vehicle by the amount of the credit entered on line 7 for that vehicle.~~

Recapture of Credit

If the vehicle no longer qualifies for the credit within 3 years of the date you placed it in service, you must recapture part or all of the credit. The property will cease to qualify if it is changed in either of the following ways.

1. The vehicle is modified so that it is no longer primarily powered by electricity.
2. It becomes nonqualifying property.

Generally, no recapture occurs on the sale or other disposition of the vehicle (including a disposition resulting from an accident or other casualty). However, if the vehicle will be modified after you dispose of it so that it no longer qualifies for the credit, the credit may be subject to recapture.

For more information on the recapture of the credit, see Regulations section 1.30-1(b).

Specific Instructions

Line 2

Enter the amount of any credits included on line 11 that are from a passive activity. Generally, a passive activity is a business activity in which you did not materially participate. Rental activities are generally passive activities, whether or not you materially participate. See Form 8582-CR, Passive Activity Credit Limitations, or Form 8810, Corporate Passive Activity Loss and Credit Limitations, for details.

Line 4

Enter the qualified electric vehicle passive activity credits allowed for 2007 from Form 8582-CR or Form 8810. See the instructions for the applicable form for more information.

Line 9

Although you may not owe alternative minimum tax (AMT), you generally must still figure the tentative minimum tax (TMT) to figure your credit. For a small corporation exempt from the AMT under section 55(e), enter -0-. Otherwise, complete and attach the applicable AMT form or schedule and enter the TMT on line 9.

Line 11

If you cannot use part of the credit because of the tax liability limit, the unused credit is lost. The unused or excess credit cannot be carried back or forward to other tax years.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for individual taxpayers filing this form is approved under OMB control number 1545-0074 and is included in the estimates shown in the instructions for their individual income tax return. The estimated burden for all other taxpayers who file this form is shown below.

- Recordkeeping** 5 hr., 58 min.
- Learning about the law or the form** 30 min.
- Preparing, copying, assembling, and sending the form to the IRS** 37 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.