

2009 Form 8936, Qualified Plug-in Electric Drive Motor Vehicle Credit

Purpose: This is the first circulated draft of the 2009 Form 8936, for your review and comments. This is a new form.

TPCC Meeting: None, but one may be arranged if requested.

Other Products: Circulations of draft tax forms, instructions, notices, and publications are posted at: <http://taxforms.web.irs.gov/Circulations/index.htm>

Comments: Please email, fax, call, or mail any comments to me and the reviewer, Bill Woolf, (William.P.Woolf@irs.gov) by **July 24, 2009**.

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Department of the Treasury
Internal Revenue Service

▶ Attach to your tax return.

Name(s) shown on return

Identifying number

Part I Tentative Credit

Use a separate column for each vehicle. If you need more columns, use additional Forms 8936 and include the totals on lines 6 and 10.

	(a) Vehicle 1	(b) Vehicle 2	(c) Vehicle 3
1 Year, make, and model of vehicle	1		
2 Enter date vehicle was placed in service (MM/DD/YYYY)	2 / /	/ /	/ /
3 Tentative credit (see instructions for amount to enter)	3		

Next: If you did NOT use your vehicle for business or investment purposes and did not have a credit from a partnership or S corporation, skip Part II and go to Part III. All others, go to Part II.

Part II Credit for Business/Investment Use Part of Vehicle

4 Business/investment use percentage (see instructions)	4	%	%	%
5a Multiply line 3 by line 4	5a			
b For vehicles acquired after 2009, enter the amount, if any, reported for the vehicle on line 10 of Form 8834	5b			
c Subtract line 5b from line 5a	5c			
6 Add columns (a) through (c) on line 5c	6			
7 Qualified plug-in electric drive motor vehicle credit from partnerships and S corporations.	7			
8 Business/investment use part of credit. Add lines 6 and 7. Partnerships and S corporations, report this amount on Schedule K; all others, report this amount on Form 3800, line 1y	8			

Part III Credit for Personal Use Part of Vehicle

9a If you skipped Part II, enter the amount from line 3. If you completed Part II, subtract line 5c from line 3	9a			
b For vehicles acquired after 2009, enter the amount, if any, reported for the vehicle on line 17 of Form 8834	9b			
c Subtract line 9b from line 9a	9c			
10 Add columns (a) through (c) on line 9c	10			
11 Enter the amount from Form 1040, line 46, or Form 1040NR, line 43	11			
12 Enter the total, if any, of your credits from Form 1040, lines 47 through 50 (or Form 1040NR, lines 44 through 46); Form 5695, line 11; Form 8834, line 22; Form 8910, line 21; and Schedule R, line 24	12			
13 Subtract line 12 from line 11	13			
14 Personal use part of credit. Enter the smaller of line 10 or line 13 here and on Form 1040, line 53, or Form 1040NR, line 49. Check box c on that line and enter "8936" in the space next to that box. If line 13 is smaller than line 10, see instructions	14			

General Instructions

Section references are to the Internal Revenue Code.

Purpose of Form

Use Form 8936 to figure your credit for qualified plug-in electric drive motor vehicles you placed in service during your tax year. The credit attributable to depreciable property (vehicles used for business or investment purposes) is treated as a general business credit. Any credit not attributable to depreciable property is treated as a personal credit.

Taxpayers that are not partnerships or S corporations, and whose only source of this credit is from those pass-through entities, are not required to complete or file this form. Instead, they can report this credit directly on line 1y of Form 3800.

SEE INSERT A

Qualified Plug-in Electric Drive Motor Vehicle

A qualified plug-in electric drive motor vehicle is a new vehicle:

- The original use of which commences with the taxpayer;
- Which is acquired for use or lease by the taxpayer and not for resale;
- Which is made by a manufacturer;
- Which is treated as a motor vehicle for purposes of title II of the Clean Air Act;
- Which has a gross vehicle weight rating of less than 14,000 pounds; and
- Which is propelled to a significant extent by an electric motor which draws electricity from a battery which (1) has a capacity of not less than 4 kilowatt hours, and (2) is capable of being recharged from an external source of electricity.

Motor Vehicle. Motor vehicle means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

Manufacturer. Manufacturer has the same meaning given the term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

Battery capacity. Battery capacity means the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 9 percent state of charge.

Generally, for a qualified plug-in electric drive motor vehicle, you can rely on the manufacturer's (or, in the case of a foreign manufacturer, its domestic distributor's) certification that a specific make, model, and model year vehicle qualifies for the credit and the maximum amount of the credit for which it qualifies.

Certification and other requirements.

If, however, the IRS publishes an announcement that the certification for any specific make, model, and model year vehicle has been withdrawn, you cannot rely on the certification for such a vehicle purchased after the date of publication of the withdrawal announcement.

If you purchased a vehicle and its certification was withdrawn on or after the date of purchase, you can rely on such certification even if you had not placed the vehicle in service or claimed the credit by the date the withdrawal announcement was published by the IRS. The IRS will not attempt to collect any understatement of tax liability attributable to reliance on the certification as long as you purchased the vehicle on or before the date the IRS published the withdrawal announcement.

In addition to certification, the following requirements must be met to qualify for the credit:

- You are the owner of the vehicle. If the vehicle is leased, only the lessor and not the lessee, is entitled to the credit;
- You placed the vehicle in service during your tax year;
- The original use of the vehicle began with you;
- You acquired the vehicle for use or to lease to others, and not for resale; and
- You use the vehicle primarily in the United States.

Exception. If you are the seller of a new vehicle to a tax-exempt organization, governmental unit, or a foreign person or entity, and the use of that vehicle is described in section 50(b)(3) or (4), you can claim the credit, but only if you clearly disclose in writing to the purchaser the amount of the tentative credit allowable for the vehicle (from line 3 of Form 8936).

Credit Phaseout ~~delete text~~

The credit for vehicles is subject to a phaseout (reduction) once the vehicle manufacturer (or, for a foreign manufacturer, its U.S. distributor) sells 200,000 of these vehicles to a retailer for use in the United States after 2009. The phaseout begins in the second calendar quarter after the quarter in which the 200,000th vehicle was sold. Then the phaseout allows 50% of the full credit for 2 quarters, 25% of the full credit for 2 additional quarters, and no credit thereafter.

Basis Reduction

Unless you elect not to claim the credit, you may have to reduce the basis of each vehicle by the sum of the amounts entered on lines 5c and 9c for that vehicle.

Recapture of Credit

SEE INSERT B

If the vehicle no longer qualifies for the credit, you may have to recapture part or all of the credit. For details, see section 30D(f)(5).

More information. For details, see section 30D and Notice 2009-54. You can find Notice 2009-54 on page 1124 of Internal Revenue Bulletin (IRB) 2009-26 at www.irs.gov/pub/irs-irbs/irb09-26.pdf.

INSERT A

For vehicles acquired before 2010, this is a new vehicle that:

- Draws propulsion using a traction battery with at least 4 kilowatts of capacity, and
- Uses an offboard source of energy to recharge the battery.

For vehicles acquired after 2009, this is a new vehicle that:

- Has a gross vehicle weight of less than 14,000 pounds, and
- Is propelled to a significant extent by an electric motor that draws electricity from a battery that has a capacity of not less than 4 kilowatt hours and is capable of being recharged from an external source of electricity.

INSERT B

Coordination With Other Credits

If a vehicle qualifies for the qualified plug-in electric drive motor vehicle credit:

- The vehicle does not qualify for the alternative motor vehicle credit on Form 8910,
- For vehicles acquired before 2010, the vehicle does not qualify for the plug-in electric vehicle credit on Form 8834, and
- For vehicles acquired after 2009, the qualified plug-in electric drive motor vehicle credit must be reduced by any plug-in electric vehicle credit allowed on lines 10 or 17 of Form 8834 for the vehicle.

Specific Instructions

Line 3

Enter the credit allowable ~~before reduction under the phaseout rules~~ for the year, make, and model of vehicle you entered on line 1. You can generally rely on the manufacturer's (or domestic distributor's) certification of the maximum credit allowable as explained above.

delete text



~~This list contains information from IRS news releases available at the time this form went to print. To check for information on model year 2009 vehicles or for later IRS news releases that may update this list, visit www.irs.gov and search for "hybrid."~~

Line 4

Enter the percentage of business/investment use.

Enter 100% if the vehicle is used solely for business purposes or you are claiming the credit as the seller of the vehicle.

If the vehicle is used for both business purposes and personal purposes, determine the percentage of business use by dividing the number of miles the vehicle is driven during the year for business purposes or for the production of income (not to include any commuting mileage) by the total number of miles the vehicle is driven for all purposes. Treat vehicles used by your employees as being used 100% for business/investment purposes if the value of personal use is included in the employees' gross income, or the employees reimburse you for the personal use. If you report the amount of personal use of the vehicle in your employee's gross income and withhold the appropriate taxes, enter 100% for the percentage of business/investment use.

If during the tax year you convert property used solely for personal purposes to business/investment use (or vice versa), figure the percentage of business/investment use only for the number of months you use the property in your business or for the production of income. Multiply that percentage by the number of months you use the property in your business or for the production of income and divide the result by 12. For example, if you converted a vehicle to 50% business use for the last 6 months of the year, you would enter 25% on line 6 (50% multiplied by 6 divided by 12).

For more information, see Pub. 463, Travel, Entertainment, Gift, and Car Expenses.

Line 7

Enter total qualified plug-in electric drive motor vehicle credits from:

- Schedule K-1 (Form 1065), box 15 (code P), **and**
- Schedule K-1 (Form 1120S), box 13 (code P) **.**

Line 14

If you cannot use part of the personal portion of the credit because of the tax liability limit, the unused credit is lost. The unused personal portion of the 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** X hr., X min.
- Learning about the law or the form** X min.
- Preparing and sending the form to the IRS** X 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.