

## **Caution: *DRAFT—NOT FOR FILING***

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information as a courtesy. **Do not file draft forms.** Also, do not rely on draft instructions and publications for filing. We generally do not release drafts of forms until we believe we have incorporated all changes. However, unexpected issues sometimes arise, or legislation is passed, necessitating a change to a draft form. In addition, forms generally are subject to OMB approval before they can be officially released. Drafts of instructions and publications usually have at least some changes before being officially released.

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Almost every form and publication also has its own easily accessible information page on IRS.gov. For example, the Form 1040 page is at [IRS.gov/form1040](https://www.irs.gov/form1040); the Form W-2 page is at [IRS.gov/w2](https://www.irs.gov/w2); the Publication 17 page is at [IRS.gov/pub17](https://www.irs.gov/pub17); the Form W-4 page is at [IRS.gov/w4](https://www.irs.gov/w4); the Form 8863 page is at [IRS.gov/form8863](https://www.irs.gov/form8863); and the Schedule A (Form 1040) page is at [IRS.gov/schedulea](https://www.irs.gov/schedulea). If typing in the links above instead of clicking on them: type the link into the address bar of your browser, not in a Search box; the text after the slash must be lowercase; and your browser may require the link to begin with “www.”. Note that these are shortcut links that will automatically go to the actual link for the page.

If you wish, you can submit comments about draft or final forms, instructions, or publications on the [Comment on Tax Forms and Publications](#) page on IRS.gov. We cannot respond to all comments due to the high volume we receive, but we will carefully consider each one. Please note that we may not be able to consider many suggestions until the subsequent revision of the product.

Name(s) shown on return

Identifying number

**Part I Dishwashers** (see instructions)

		(a) Type A	(b) Type B	
1	Enter the number of eligible dishwashers produced in calendar year 2013	1		
2	Enter the average number of eligible dishwashers produced in the 2 prior calendar years	2		
3	Subtract line 2 from line 1	3		
4	Applicable amount	4		
5	Multiply line 3 by line 4	5		
6	Add the amounts of line 5 in columns (a) and (b)			6

**Part II Clothes Washers** (see instructions)

7	Enter the number of eligible clothes washers produced in calendar year 2013	7		
8	Enter the average number of eligible clothes washers produced in the 2 prior calendar years	8		
9	Subtract line 8 from line 7	9		
10	Applicable amount	10		
11	Multiply line 9 by line 10	11		
12	Enter the amount from line 11			12

**Part III Refrigerators** (see instructions)

		(a) Type A	(b) Type B	
13	Enter the number of eligible refrigerators produced in calendar year 2013	13		
14	Enter the average number of eligible refrigerators produced in the 2 prior calendar years	14		
15	Subtract line 14 from line 13	15		
16	Applicable amount	16		
17	Multiply line 15 by line 16	17		
18	Add the amounts on line 17 in columns (a) and (b)			18

**Part IV Current Year Energy Appliance Credit**

19	<b>Total.</b> Add lines 6, 12, and 18			19
20	Enter 4% of average annual gross receipts (see instructions)			20
21a	Maximum credit base amount (see instructions)	21a		
b	Enter the amount from line 19 of your *2012 Form 8909	21b		
c	Enter the amount from line 22a of your *2012 Form 8909	21c		
d	Enter the amount from line 22b of your *2012 Form 8909	21d		
e	Add lines 21c and 21d	21e		
f	Subtract line 21e from line 21b	21f		
g	Enter the amount from line 20 of your *2012 Form 8909	21g		
h	Enter the <b>smallest</b> of the amount on line 21a, 21f, or 21g	21h		
i	Enter the amount from line 21h of your 2012 Form 8909	21i		
j	Add lines 21h and 21i	21j		
k	Subtract line 21j from line 21a			21k
22a	Enter the amount from line 12	22a		
b	Enter the amount from line 17, column (b)	22b		
c	Add lines 22a and 22b			22c
23	Maximum credit amount. Add lines 21k and 22c			23
24	Enter the <b>smallest</b> of the amount on line 19, 20, or 23			24
25	Energy efficient appliance credit from partnerships, S corporations, cooperatives, estates, and trusts (see instructions)			25
26	Add lines 24 and 25. Cooperatives, estates, and trusts, go to line 27. Partnerships and S corporations, stop here and report this amount on Schedule K. All others, stop here and report this amount on Form 3800, line 1q			26
27	Amount allocated to beneficiaries of the estate or trust, or to patrons of the cooperative (see instructions)			27
28	Cooperatives, estates, and trusts, subtract line 27 from line 26. Report this amount on Form 3800, line 1q			28

\*Include amounts from predecessors.

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Future Developments

For the latest information about developments related to Form 8909 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/form8909](http://www.irs.gov/form8909).

### Purpose of Form

Manufacturers of qualified energy efficient appliances (eligible dishwashers, clothes washers, and refrigerators (discussed below)) use Form 8909 to claim the energy efficient appliance credit. The credit is part of the general business credit reported on Form 3800, General Business Credit.

**Note.** If you are a taxpayer that is not a partnership, S corporation, cooperative, estate, or trust, and your only source of this credit is from a pass-through entity, you are not required to complete or file this form. Instead, report this credit directly on line 1q of Form 3800. See the Instructions for Form 3800.

### Amount of Credit

The credit is equal to the sum of the credit amounts figured separately for each type of qualified energy efficient appliance that you produced during the calendar year ending with or within your tax year.

The credit amount determined for any type of qualified energy efficient appliance is the applicable amount shown on Form 8909 for each appliance, multiplied by the eligible production for the appliance.

The eligible production in a calendar year is the excess of:

- The number of appliances of the same type manufactured by the taxpayer in the United States during the calendar year, over
- The average number of appliances of the same type manufactured by the taxpayer (or any predecessor) in the United States during the 2 prior calendar years.

For 2013, the maximum overall credit for all qualified appliances is the smaller of 4 percent of your average annual gross receipts for the 3 prior tax years or \$25,000,000 reduced by the amount of the energy efficient appliance credit you (or any predecessor) were allowed for all prior tax years beginning after 2010. The \$25,000,000 limit does not apply to clothes washers and Type B refrigerators.

## Dishwashers

An eligible dishwasher is a residential dishwasher subject to the energy conservation standards established by the Department of Energy.

Two types of energy saving dishwashers are eligible for the energy efficient credit. The amount of the credit is based on the percentage of energy savings.

**Type A.** A Type A dishwasher is a dishwasher manufactured in calendar year 2013, which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for more than 12 place settings).

**Type B.** A Type B dishwasher is a dishwasher manufactured in calendar year 2013, which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for more than 12 place settings).

**Gallons per cycle.** Gallons per cycle is the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

### Clothes Washers

An eligible clothes washer is a residential model clothes washer, including a commercial residential style coin operated washer.

Only one type of energy saving clothes washer is eligible for the energy efficient appliance credit. The amount of the credit is based on the percentage of energy savings.

An eligible clothes washer is a top-loading clothes washer manufactured in calendar year 2013, which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or a front-loading clothes washer manufactured in calendar year 2013, which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.

**Top-loading clothes washer.** A top-loading clothes washer is a clothes washer with a clothes container compartment access located on the top of the machine and which operates on a vertical axis.

**Modified energy factor.** The modified energy factor is the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.

**Water consumption factor.** The water consumption factor is total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.

## Refrigerators

An eligible refrigerator is a residential model automatic defrost refrigerator-freezer that has an internal volume of at least 16.5 cubic feet.

Two types of energy saving refrigerators are eligible for the energy efficient appliance credit. The amount of the credit is based on the percentage of energy savings.

**Type A.** A Type A refrigerator is a refrigerator manufactured in calendar year 2013, which consumes at least 30% less energy than the 2001 energy conservation standards.

**Type B.** A Type B refrigerator is a refrigerator manufactured in calendar year 2013, which consumes at least 35% less energy than the 2001 energy conservation standards.

**Note.** The "2001 energy conservation standards" are those issued by the Department of Energy effective July 1, 2001. You can find them at 10 CFR 430.32 at [www.gpoaccess.gov](http://www.gpoaccess.gov).

## Members of a Group Treated as a Single Producer

All persons treated as a single employer under section 52 (a) or (b) or section 414(m) or (o) are treated as a single producer. See section 45M(g)(2)(B) regarding the inclusion of foreign corporations for this purpose. If you are a member of a group treated as a single producer, complete lines 1 through 23 based on the group's total production. On the dotted line to the left of line 24, enter "Group" and in parentheses enter the share of the line 24 amount allocated to the other group members. Subtract the amount in parentheses to determine the amount to enter on line 24.

## Certification

No additional information or certification currently is required to claim the credit.

## Specific Instructions

### Line 20

Enter 4 percent of your average annual gross receipts for the 3 prior tax years. Gross receipts are reduced by returns and allowances. If an entity was not in existence for the entire 3-year period, the average annual gross receipts are based on the period during which the entity was in existence. Gross receipts for any tax year of less than 12 months are annualized by multiplying the gross receipts for the short period by 12 and dividing the result by the number of months in the short period. Any reference to an entity includes its predecessor(s).

### Line 21a

The maximum credit base amount for 2013 is \$25,000,000. This limit does not apply to clothes washers and Type B refrigerators.

**Note.** The maximum credit base also applies to credits received from a pass-through entity.

### Line 25

The credit for dishwashers, and Type A refrigerators included on line 19 **plus** the amount included on line 25 for these appliances, cannot exceed the amount on line 21k.

### Line 27

**Cooperatives.** A cooperative described in section 1381 (a) must allocate to its patrons the credit in excess of its liability limit. Therefore, to figure the unused amount of the credit allocated to patrons, the cooperative must first figure its tax liability. While any excess is allocated to patrons, any credit recapture applies as if the cooperative had claimed the entire credit.

If the cooperative is subject to the passive activity rules, include on line 25 any energy efficient appliance credit from passive activities disallowed for prior years and carried forward to this year. Complete Form 8810, Corporate Passive Activity Loss and Credit Limitations, to determine the allowed credit that must be allocated between the cooperative and the patrons. For details, see the Instructions for Form 8810.

**Estates and trusts.** Allocate the energy efficient appliance credit on line 26 between the estate or trust and the beneficiaries in the same proportion as income was allocated and enter the beneficiaries' share on line 27.

If the estate or trust is subject to the passive activity rules, include on line 25 any energy efficient appliance credit from passive activities disallowed for prior years and carried forward to this year. Complete Form 8582-CR, Passive Activity Credit Limitations, to determine the allowed credit that must be allocated between the estate or trust and the beneficiaries. For details, see the Instructions for Form 8582-CR.

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**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.

<b>Recordkeeping</b> . . . . .	7 hr., 24 min.
<b>Learning about the law or the form</b> . . . . .	12 min.
<b>Preparing and sending the form to the IRS</b> . . . . .	19 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.

DRAFT AS OF  
August 27, 2013

DO NOT FILE