

SUPPORTING STATEMENT
Internal Revenue Service (IRS)
Revenue Procedure 2023-33,
Transfer of Credit under Sections 30D and 25E from Taxpayer to Eligible Entity
OMB Control Number 1545-NEW

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

The Energy Improvement and Extension Act of 2008, P.L. 110-343, added Internal Revenue Code (IRC) section 30D to authorize a credit for new qualified plug-in electric drive motor vehicles. IRC section 30D has been amended several times since its enactment, most recently by section 13401 of the Inflation Reduction Act of 2022 (IRA), P.L. 117-169, and provides a credit for clean new vehicles. Section 13402 of the IRA added IRC section 25E and provides a credit for previously owned clean vehicles.

This revenue procedure sets forth the procedures under IRC sections 30D(g) and 25E(f) for the transfer after December 31, 2023, of the new clean vehicle credit or previously-owned clean vehicle credit from the taxpayer who elects to transfer such credit to an eligible entity (“transfer election”). These procedures include the procedures for dealer registration with the Internal Revenue Service (IRS), the procedures for the revocation and suspension of that registration, and the establishment of an advanced payment program to registered dealers.

Under the procedures prescribed in this revenue procedure, a dealer of a new clean vehicle or previously-owned clean vehicle that wishes to partake in the advanced payment program under IRC sections 30D(g) and 25E(f) must register with the IRS through the IRS Identity Registration System and through the IRS Clean Vehicle Sales Portal. At the time of registration through the IRS Clean Vehicle Sales Portal, the dealer must provide certain information to the IRS and make certain certifications. After those are complete, the IRS will perform a tax compliance check to ensure the dealer is compliant with its tax obligations. After a taxpayer makes a transfer election under IRC sections 30D(g) or 25E(f) to the dealer, a dealer must upload certain information through the IRS Clean Vehicle Sales Portal, and the IRS, upon review, and if all conditions are met, will issue a payment to the dealer.

The IRS created a Clean Vehicles Sale Portal for qualified manufacturers, dealers, and sellers to register and provide the requisite information. The likely respondents are businesses and other for-profit entities.

2. USE OF DATA

The data will be used by dealers of new clean vehicles and previously-owned clean vehicles to notify the IRS that a taxpayer has made a transfer election under IRC sections 30D(g) or 25E(f). The data will also be used by sellers to submit seller reports to the IRS at the time of sale. The IRS will use the information to monitor and validate claims for the requirements for transfer election and advance payment program for the clean vehicle credit(s).

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

The IRS is in the process of launching a Clean Vehicles Sale Portal that will allow qualified manufacturers, seller, and dealers to register and submit requisite information online.

4. EFFORTS TO IDENTIFY DUPLICATION

The information obtained through this collection is unique and is not already available or use or adaption from another source.

5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

The collection of information in this revenue procedure is expected to have a burden on small businesses because dealers of previously-owned clean vehicles may be small businesses. However, the burden is not expected to be substantial, as the information is collected at the time of sale of the vehicle and can be uploaded at the time of sale in exchange for a monetary benefit for the dealer.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

The information required is needed to verify compliance with the IRC and Treasury Regulations. A less frequent collection of taxes and tax information could adversely affect the government's effectiveness and would reduce the oversight of the public in ensuring compliance with the IRC and hinder the IRS from meeting its mission.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

There are no special circumstances requiring data collection to be inconsistent with guidelines in 5 CFR 1320.5(d)(2).

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

The agency is requesting an emergency clearance and is unable to solicit public comment in advance. The IRS will publish a Federal Register notice seeking public comment after the approval of the emergency ICR.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

No payment or gift has been provided to any respondents.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

A privacy impact assessment (PIA) has been conducted for information collected under this request, and a Privacy Act System of Records notice (SORN) has been issued for these systems

under Treasury/IRS 22.062 - Electronic Filing Records; Treasury/IRS 24.030 - Customer Account Data Engine (CADE) Individual Master File; Treasury/IRS 24.046 - CADE Business Master File (BMF); Treasury/IRS 34.037 - Audit Trail and Security Records. The Internal Revenue Service PIAs can be found at <https://www.irs.gov/privacy-disclosure/privacy-impact-assessments-pia>.

Title 26 U.S.C. 6109 requires inclusion of identifying numbers in returns, statements, or other documents for securing proper identification of persons required to make such returns, statements, or documents and is the authority for social security numbers (SSNs) in IRS systems.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

IRC sections 30D(g) and 25E(f) require dealers to disclose information and authorizes the IRS to develop a program to make advance payments of the clean vehicle credit. Revenue Procedure 2023-33 sets forth the procedures for these requirements and the advance payment program. The IRS anticipates that there will be approximately 1,030,750 responses annually, with a total estimated burden of 296,688 hours annually. The estimated burden is shown below.

Authority	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden Hours
IRC 30D & 25E	Dealer Registration	52,000	1	52,000	1	52,000
IRC 30D & 25E	Advanced Payment Uploading of Information	978,750	1	978,750	.25	244,688
Totals		1,030,750		1,030,750		296,688

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no start-up or maintenance costs for this collection. The collection does not require respondents to obtain specialized equipment or professional services.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The startup cost to the federal government to develop and maintain the Clean Vehicles Sale Portal is approximately \$12.4 million.

15. REASONS FOR CHANGE IN BURDEN

This is a new Revenue Procedure developed to comply with IRC sections 30D(g) and 25E(f). There was no paperwork burden previously approved by OMB. We are making this submission to request OMB approval.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis, and publication.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

The IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the collection expires as of the expiration date. Taxpayers are not likely to be aware that the IRS intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.