

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Environmental Quality - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Mark Berger	801-536-4000	801-536-0085	mberger@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 39353 Date filed: 05/07/2015 08:58 AM
 State Admin Rule Filing Key: 156228
 Utah Admin. Code ref. (R no.): R 307 - 121 -
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 General Requirements: Clean Air and Efficient Vehicle Tax Credit

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

During the 2015 Utah legislative session, the Legislature passed Senate Bill 156 (SB156), revising the statute governing the state's Clean Fuel Tax Credit. The bill provided for a new tax credit for qualifying electric motorcycles. Because R307-121 is the air quality rule that establishes criteria used to determine eligibility for a tax credit for qualifying vehicles, it needs to be revised to meet the requirements of SB156.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No

Rule Summary

6. Summary of the rule or change:

A definition for "qualifying electric motorcycle" is added; requirements to demonstrate proof of purchase and lease for qualifying electric motorcycles is added; and other technical changes to clarify requirements and help administer the Clean Fuel Tax Credit are added.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The legislature considered cost when it approved qualifying electric motorcycles to be eligible for the tax credit. It is possible that the amendments to this rule could result in additional costs to the state as it changes what vehicles are eligible for the credit; however, those costs should be minimal, as there is little demand for qualifying electric motorcycles.

B) Local government:

Affected: No

No costs or savings are anticipated for local government budgets because local governments do not pay taxes.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

Because this amendment adds qualifying electric motorcycles as eligible for the tax credit, small businesses that take advantage of the tax credit could see increased savings. We are unable to determine the exact savings as there is little data on the interest small businesses might have in applying for the credit for electric motorcycles.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Because this amendment changes which vehicles are eligible for the tax credit, persons other than small businesses, businesses, or local government entities that take advantage of the tax credit could see increased savings. We are unable to determine the exact savings as there is little data on consumer demand.

Compliance Cost Information

8. Compliance costs for affected persons:

No compliance costs are anticipated for individuals applying for the tax credit, as the cost to apply for the credit is nominal.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

There is a potential that businesses could see some savings if they purchase qualifying vehicles and apply for and receive the credit. However, it is difficult to determine the exact amount of these savings due to data limitations.

B) Name and title of department head commenting on the fiscal impacts:

Amanda Smith, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

19-1-402

19-2-104

59-10-1009

59-7-605

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p style="text-align: right;">Official Title of Materials Incorporated (from title page):</p> <p style="text-align: right;">Publisher:</p> <p style="text-align: right;">Date Issued:</p> <p style="text-align: right;">Issue, or version:</p> <p style="text-align: right;">ISBN Number:</p> <p style="text-align: right;">ISSN Number:</p> <p style="text-align: right;">Cost of Incorporated Reference:</p> <p style="text-align: right;">Adds, updates, removes:</p>
--

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

07/01/2015

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

08/06/2015

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

- air pollution
- alternative fuels
- motor vehicles
- tax credits

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Bryce Bird Director

Date (mm/dd/yyyy): 05/07/2015