



Instructions for Form IT-239

Claim for Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities

Temporary deferral of certain tax credits

For tax years beginning on or after January 1, 2010, and before January 1, 2013, if the total amount of certain credits that you may use to reduce your tax or have refunded to you is greater than \$2 million, the excess over \$2 million must be deferred to, and used or refunded in, tax years beginning on or after January 1, 2013. For more information about the credit deferral, see Form IT-500, *Income Tax Credit Deferral*.

If you are subject to the credit deferral, you must complete all credit forms without regard to the deferral. However, the credit amount that is transferred to your tax return to be applied against your tax due or to be refunded to you may be reduced. Follow the instructions for Form IT-500 to determine the amounts to enter on your tax return.

General information

What is the credit for taxicabs and livery service vehicles accessible to persons with disabilities?

The credit is available to companies that provide a taxicab or livery service for the incremental cost associated with the purchase of a vehicle accessible to persons with disabilities or the conversion of a motor vehicle to a vehicle accessible to persons with disabilities that is used in providing the taxicab or livery service. The credit applies to incremental costs incurred on or after January 1, 2006, and before January 1, 2011, and may be claimed for the tax year in which the incremental costs are incurred. The credit may only be claimed once per vehicle and may not exceed \$10,000 per vehicle.

If the amount of the credit exceeds the taxpayer's tax for the year, the excess is not refundable; however, any unused credit may be carried forward indefinitely.

Who is eligible to claim this credit?

- individuals (including sole proprietors)
- estates or trusts
- partners in a partnership (including members of a limited liability company (LLC) that is treated as a partnership for federal income tax purposes)
- beneficiaries of estates or trusts
- shareholders of New York S corporations

How is the credit claimed?

File Form IT-239 with your personal income tax return, Form IT-201, *Resident Income Tax Return*, or Form IT-203, *Nonresident or Part-Year Resident Income Tax Return*, if you are an individual (including a sole proprietor), a beneficiary of an estate or trust, a partner in a partnership, or a shareholder in a New York S corporation.

An estate or trust that divides the credit among itself and its beneficiaries must attach Form IT-239 to Form IT-205, *Fiduciary Income Tax Return*, showing each beneficiary's share of the credit.

A partnership must file Form IT-239 with Form IT-204, *Partnership Return*, showing the total amount of the credit.

An S corporation **cannot** file Form IT-239. It must file Form CT-239, *Claim for Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities*. If you are

a shareholder of an S corporation, obtain your share of the S corporation's credit from the corporation.

Definitions

A vehicle accessible to persons with disabilities means a motor vehicle, less than 22 feet in length, that complies with

- federal regulations promulgated pursuant to the Americans with Disabilities Act applicable to vans under 22 feet in length by
 - the federal Department of Transportation, in Code of Federal Regulations (CFR), title 49, parts 37 and 38, and
 - the federal Architecture and Transportation Barriers Compliance Board, in CFR title 36, section 1192.23; and
- Federal Motor Vehicle Safety Standards, CFR, title 49, part 571.

Taxicab means every motor vehicle, other than a bus, used in the business of transporting passengers for compensation and operated in that business under a license or permit issued by a local authority. However, it does not mean vehicles that are rented or leased without a driver.

Livery means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. However, it does not mean vehicles that are rented or leased without a driver.

Motor vehicle means every vehicle that is operated or driven on a public highway and is propelled by any power other than muscular power, **except** for an electrically driven mobility assistance device operated or driven by a person with a disability, a vehicle that runs only on rails or tracks, a snowmobile, and an all-terrain vehicle.

Bus means every motor vehicle having a seating capacity of 15 or more passengers in addition to the driver and used for the transportation of persons.

Local authority means every county, municipal or other local board, body or officer, county park commission, parkway authority, bridge authority, bridge and tunnel authority, the Office of Parks and Recreation, the New York State Thruway Authority, or similar body or person having authority to enact laws or regulations relating to traffic under the constitution and laws of this state.

Providing a taxicab or livery service means the operation of a taxicab or livery in New York State in accordance with required licenses, permits, or registrations issued by a local authority and the New York State Department of Motor Vehicles.

Incremental cost means the expenses specifically associated with

1. the excess purchase price of a vehicle accessible to persons with disabilities over the purchase price of a motor vehicle that is the same make and model except for the equipment necessary to convert it to a vehicle accessible to persons with disabilities; or,
2. in the case of a conversion of an existing motor vehicle, it includes the equipment and installation costs necessary to convert it to a vehicle accessible to persons with disabilities.

Specific instructions

See the instructions for your tax return for the *Privacy notification* or if you need help contacting the Tax Department.

Individual (including sole proprietor): Complete Parts 1, 5, and 6.

Partnership: Complete Parts 1 and 5.

Husband and wife business that made an IRC 761(f) election to file two federal Schedule C forms instead of a partnership return: If you file jointly, compute your credit amount as if you were filing one federal Schedule C for the business (enter the total of all applicable amounts from both federal Schedule C forms). Complete Parts 1, 5, and 6.

Fiduciary: Complete Parts 1, 4, 5, and 6.

Partner in a partnership, shareholder of a New York S corporation, and beneficiary of an estate or trust: Complete Parts 2, 3, 5, and 6.

Note: If more than one of the above applies to you, complete all appropriate parts on one Form IT-239.

Part 1 — Individual (including sole proprietor), partnership, and estate or trust

Enter the information relating to the incremental costs incurred during the tax year associated with upgrading a vehicle to be accessible to persons with disabilities. If you incurred costs to purchase a vehicle accessible to persons with disabilities, use Schedule A. If you incurred costs to convert an existing motor vehicle to be accessible to persons with disabilities, use Schedule B. If you need additional space, attach a separate sheet of paper to Form IT-239 listing this information in the same format as requested in Schedule A, columns A through F, or Schedule B, columns A through D. Write your name and social security number (SSN) or employer identification number (EIN) on the attachment.

Schedule A — Purchase of vehicle accessible to persons with disabilities

Column D — Enter in column D the total purchase price of a motor vehicle that is the same make and model except for the equipment necessary to convert it to a vehicle accessible to persons with disabilities.

Schedule B — Conversion of existing motor vehicle

Column C — Enter in column C the cost, including equipment and installation, to convert an existing motor vehicle to be accessible to persons with disabilities.

Part 2 — Partnership, New York S corporation, estate, and trust information

Enter the appropriate information for each partnership, New York S corporation, or estate or trust from which you received a share of the credit for taxicabs and livery service vehicles accessible to persons with disabilities. If you need more space, attach a separate schedule (include your name and identification number).

Part 3 — Partner's, shareholder's, or beneficiary's share of the credit

Enter your share of the total credit received from a partnership, a New York S corporation, an estate, or a trust. If you belong to more than one partnership, New York S corporation, estate, or trust, enter the total of all your shares on the appropriate line.

Part 4 — Beneficiary's and fiduciary's share of credit

An estate or trust must complete Part 4. If an estate or trust allocates or assigns the credit to its beneficiaries, base the division of the credit on each beneficiary's proportionate share of the income of the estate or trust. If you need more space, attach a separate schedule (include your name and identification number).

Part 6 — Application of credit and computation of carryover

Line 16

Form IT-201 filers: Enter the tax from Form IT-201, line 39, plus any amount from Form IT-201-ATT, line 21.

Form IT-203 filers: Enter the tax from Form IT-203, line 46, plus any amount from Form IT-203-ATT, line 20.

Form IT-205 filers: Enter the tax from Form IT-205, line 8 (for residents), or line 9 (for nonresidents), **plus** any credits shown on line 1 of the *Addbacks worksheet* in the instructions for Form IT-205, line 12.

Line 17 — If you are applying any credits against the tax before this credit, enter those amounts here.

When applying credits, follow the order of credits under Tax Law section 606(yy):

- First apply any credits that cannot be carried over or refunded.
- Next apply any credits that can be carried over for a limited duration.
- Then apply any credits that can be carried over for an unlimited duration.
- Apply refundable credits last.

Lines 19 and 20 — On line 19, enter the amount from line 15 or line 18, whichever is less.

If your total credits from all sources are **\$2 million or less**, enter the amount from line 19 and code **299** on Form IT-201-ATT, line 6, or Form IT-203-ATT, line 7, or include it on Form IT-205, line 10.

If your total credits from all sources are **more than \$2 million**, you may be subject to a credit deferral. Complete lines 19 and 20, but do not enter the amount from line 19 on your tax return. See Form IT-500, *Income Tax Credit Deferral*, to determine the proper amount to enter on your 2010 tax return.