



Instructions for Form CT-236

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

For costs incurred on or after January 1, 2011

General information

The Tax Law allows a credit to companies that provide a taxicab or livery service using vehicles accessible to persons with disabilities. The credit is based on:

- The purchase of a new vehicle that is initially manufactured to be accessible to persons with disabilities, and for which there is no comparable make or model that does not include the equipment necessary to provide accessibility to persons with disabilities; **or**
- the incremental costs associated with the upgrading of a motor vehicle to a vehicle accessible to persons with disabilities.

The purchase or incremental costs must be incurred on or after January 1, 2011, and may be claimed for the tax year in which the purchase or incremental costs are incurred. The credit is available to taxpayers subject to tax under Article 22 (personal income tax) and Article 9-A (franchise tax on business corporations).

To claim a credit carryover for purchases or costs incurred **before** January 1, 2011, use Form CT-239, *Claim for Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities*.

Credit amount

The amount of credit may not exceed \$15,000 per electric vehicle or \$10,000 for all other motor vehicles and it may only be claimed once per vehicle.

The amount of credit allowed cannot reduce the tax due to less than the fixed dollar minimum tax under Article 9-A. If the amount of credit exceeds the tax for the year the excess is **not** refundable. However, any amount of credit not claimed in the current tax year may be carried forward for an unlimited number of tax years. The credit is not allowed against the metropolitan transportation business tax (MTA surcharge) under Article 9-A.

New York S corporations

New York S corporations calculate an amount of credit for taxicabs and livery service vehicles accessible to persons with disabilities. However, the S corporation may not use the credit for taxicabs and livery service vehicles accessible to persons with disabilities against its own tax liability; instead, the credit is passed through to the shareholders to use against their personal income tax liabilities on their New York State income tax returns.

Provide all shareholders with their pro rata share of the credit calculated. The shareholders file their own Form IT-236, *Credit for Taxicabs and Livery Service Vehicles Accessible to Persons with Disabilities*, to claim the credit on their New York State personal income tax returns.

Corporate partners

If you are a corporate partner who has the credit for taxicabs and livery service vehicles accessible to persons with disabilities passed through to you from a partnership, complete Part 3, enter your pro rata share of the credit passed through to you from the partnership on lines 4 and 15, and mark an **X** in the box at line A.

Combined filers

A taxpayer filing a combined return as a member of a combined group is allowed to claim the credit for taxicabs and livery service vehicles accessible to persons with disabilities. The credit is computed on a separate basis, but it is applied against the combined tax.

Definitions

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, Code of Federal Regulations (CFR), title 49, parts 37 and 38, 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, snowmobiles, all-terrain vehicles (ATV), bicycles with electric assist, and electric scooters.

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 upgrading a motor vehicle and includes the equipment and installation costs necessary to convert it to a vehicle accessible to persons with disabilities.

Incremental cost also includes the costs associated with 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.

Electric vehicle means a motor vehicle that:

- was manufactured for use primarily on public streets, roads, and highways;
- the powertrain has not been modified from the original manufacturer specifications;
- has a maximum speed capability of at least fifty-five miles per hour; **and**
- is propelled, at least in part, by electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operation, and that draws electricity from a hydrogen fuel cell or from a battery that has a capacity of not less than four kilowatt hours and is capable of being recharged from an external source of electricity.

Line instructions

New York S corporations: Complete Form CT-236, lines 1 through 5 only. Include the line 5 amount on Form CT-34-SH, *New York S Corporation Shareholders' Information Schedule*. Attach Forms CT-34-SH and CT-236 to your Form CT-3-S, *New York S Corporation Franchise Tax Return*. If the New York S corporation is receiving a share of the credit as a corporate partner, complete Part 3.

Additional forms: If you have more entries than will fit on the lines provided in Part 1, Schedules A and B, or Part 3, submit additional Forms CT-236, completing only the necessary parts. Include your name and taxpayer identification number on each form. On the indicated line of the first form CT-236, include the totals from all additional Forms CT-236. Place the extra forms behind the first Form CT-236 and submit them with your return.

Part 1 – Computation of credit

Enter the information relating to the purchase or incremental costs incurred during the tax year. If you purchased a new vehicle initially manufactured to be accessible to persons with disabilities, use Schedule A. If you incurred costs to upgrade a motor vehicle to be accessible to persons with disabilities, use Schedule B.

If needed, see *Additional forms*.

Schedule B – Upgrade of motor vehicle

Column C – Enter in column C the cost, including equipment and installation, to upgrade a motor vehicle to be accessible to persons with disabilities. See definition of incremental cost above.

Part 2 – Computation of credit used and carried forward

Line 8 – Enter the amount from Form CT-3 or CT-3-A, Part 2, line 2, **plus** any net recaptured tax credits.

Line 9 – If you are claiming more than one tax credit for this year, enter the total amount of credit(s) you want to apply against your franchise tax due before the application of the credit for taxicabs and livery service vehicles accessible to persons with disabilities. Otherwise, enter **0**. You must apply certain credits before the credit for taxicabs and livery service vehicles accessible to persons with disabilities. Refer to Form CT-600-I, *Instructions for Form CT-600*, to determine the order of credits that applies.

If you are included in a combined return, include any amount of tax credit(s), including credit(s) for taxicabs and livery service vehicles accessible to persons with disabilities claimed by other members of the combined group that you want to apply before your credit for taxicabs and livery service vehicles accessible to persons with disabilities.

Line 11 – Enter your fixed dollar minimum tax from Form CT-3 or the designated agent's fixed dollar minimum tax from Form CT-3-A.

Line 13 – Enter the lesser of line 7 or line 12. Transfer this amount to your franchise tax return.

Part 3 – Partnership information

If you were a partner in a partnership and received a pro rata share of the credit for taxicabs and livery service vehicles accessible to persons with disabilities from that entity, complete Part 3 and mark an **X** in the box at line A. Enter the name, EIN, and the credit amount passed through to you from the partnership. If needed, see *Additional forms*.