



# Instructions for Form IT-236

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

For costs incurred on or after January 1, 2011

### General information

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

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 credit applies to purchases or incremental costs incurred on or after January 1, 2011, and may be claimed for the tax year in which the purchases or incremental costs are incurred. The credit may only be claimed once per vehicle and may not exceed \$15,000 per electric vehicle or \$10,000 for all other motor vehicles.

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.

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

#### 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-236 with your personal income tax return, Form IT-201, *Resident Income Tax Return*, or Form IT-203, *Nonresident and 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 submit Form IT-236 with Form IT-205, *Fiduciary Income Tax Return*, showing each beneficiary's share of the credit.

A partnership must file Form IT-236 with Form IT-204, *Partnership Return*, showing the total amount of the credit.

An S corporation **cannot** file Form IT-236. It must file Form CT-236, *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, 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 operations, 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.

## Specific instructions

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

**Partnership:** Complete Parts 1 and 5.

**A married couple in a business enterprise 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-236.

**Additional Forms:** If you have more entries than will fit on the lines provided in Part 1, Schedules A or B, Part 2, or Part 4, submit additional Forms IT-236, completing only the necessary parts. Include your name and taxpayer identification number on each form. On the indicated line of the first Form IT-236, include the totals from all additional Forms IT-236. Place the extra forms behind the first Form IT-236 and submit them with your return.

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

Enter the information relating to the purchases 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 – 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 needed, see *Additional forms*.

## Part 3 – Partner's, shareholder's, or beneficiary's share of 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

Enter the fiduciary's share of the credit from column C on line 12. 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. Provide the beneficiaries with their share of the credit. If needed, see *Additional forms*.

## 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.

Apply credits in the following order:

1. household credit
2. any credits that cannot be carried over or refunded
3. any credits that can be carried over for a limited duration
4. any credits that can be carried over for an unlimited duration
5. refundable credits

For more information, visit [www.tax.ny.gov](http://www.tax.ny.gov) (search: *ordering*).

**Line 19 –** Enter the amount from line 15 or line 18, whichever is less.

Enter this amount from line 19 and code **236** on Form IT-201-ATT, line 6, or Form IT-203-ATT, line 7, or include it on Form IT-205, line 10.