



# Claim for Alternative Fuels Credit

Submit this form with Form IT-201, IT-203, IT-204, or IT-205 (see instructions, Form IT-253-I, for assistance).

|                            |                                  |                                       |
|----------------------------|----------------------------------|---------------------------------------|
| Name(s) as shown on return | Type of business (if applicable) | Identifying number as shown on return |
|----------------------------|----------------------------------|---------------------------------------|

The alternative fuels tax credit expired on December 31, 2010. For tax years beginning after December 31, 2010, you may only claim an alternative fuels tax credit carryover from previous years.

## Schedule A – Computation of alternative fuels tax credit used and carried over (see instructions)

|  |          |     |
|--|----------|-----|
| 1 Enter the carryover credit from last year's Form IT-253 .....  | <b>1</b> | .00 |
| 2 Tax due before credits .....   | <b>2</b> | .00 |
| 3 Tax credits claimed before this credit .....   | <b>3</b> | .00 |
| 4 Subtract line 3 from line 2 .....  | <b>4</b> | .00 |
| 5 Amount of credit used for the current tax year (enter the amount from line 1 or line 4, whichever is less) ..... | <b>5</b> | .00 |
| 6 Amount of credit available for carryover to next year (subtract line 5 from line 1) .....                        | <b>6</b> | .00 |

## Schedule B – Recapture of alternative-fuel vehicle refueling property credit (see instructions)

| A<br>Tax year credit allowed | B<br>Total recovery period | C<br>Years in service prior to recapture year | D<br>Recapture years (column B - column C) | E<br>Recapture percentage (column D ÷ column B) | F<br>Original credit allowed | G<br>Credit recapture (column F × column E) |
|------------------------------|----------------------------|---|--|---|------------------------------|---|
|                              |                            |   |  |   | .00                          | .00   |
|                              |                            |   |  |   | .00                          | .00   |
|                              |                            |   |  |   | .00                          | .00   |

|  |          |     |
|--|----------|-----|
| 7 Recaptured alternative-fuel vehicle refueling property credit (add column G amounts) .....   | <b>7</b> | .00 |
| 8 Partner in a partnership, shareholder of an S corporation, or beneficiary of an estate or trust, enter your share of the recapture of the credit ..... | <b>8</b> | .00 |
| 9 Total recaptured alternative fuels credit (add lines 7 and 8) .....  | <b>9</b> | .00 |

**Individuals:** Enter the line 9 amount and code **253** on Form IT-201-ATT, line 20 or Form IT-203-ATT, line 19.

**Partnerships:** Enter the line 9 amount and code **253** on Form IT-204, line 148.

**Fiduciaries:** Continue with lines 10 and 11.

|  |           |     |
|--|-----------|-----|
| 10 Fiduciaries: Enter the amount of recapture allocated to beneficiaries ..... | <b>10</b> | .00 |
| 11 Fiduciary share of recapture (subtract line 10 from line 9) .....           | <b>11</b> | .00 |

## Instructions

### 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.

### Important information

The alternative fuels tax credit expired on December 31, 2010. For tax years beginning after December 31, 2010, you may only claim an alternative fuels credit carryover from previous years. Use Form IT-253 to claim any carryover credit or to calculate any recapture of credit.

Partnerships or estates or trusts: Fill out this form only if you are reporting a recapture of the alternative fuels credit.

### Line instructions

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



**Schedule A – Computation of alternative fuels tax credit used and carried over**

**Line 2**

**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 3 –** If you are applying any credits against the tax before this credit, enter those amounts here.

When applying credits, use the following rules:

- First apply any household credit.
- Next apply any credits that cannot be carried over or refunded.
- Then 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.

**Line 5 –** If your total credits from all sources are **\$2 million or less**, enter the amount from line 5 and code **253** 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 line 5, but do not enter the amount from line 5 on your tax return. See Form IT-500, *Income Tax Credit Deferral*, to determine the proper amount to enter on your tax return.

**Schedule B – Recapture of alternative-fuel vehicle refueling property credit**

**Note:** If you are claiming a recapture for more than three alternative-fuel vehicle refueling properties, complete as many Forms IT-253 (name, identification number, and Schedule B only) as necessary. On the first Form IT-253, complete Schedule A. Include on line 7 of the first Form IT-253 the total of column G from all additional Forms IT-253. Place the additional Forms IT-253 behind the first Form IT-253 that has an entry on line 7. Enter on line 9 the total recaptured credit computed.

If alternative-fuel vehicle refueling property ceases to be qualified at any time before the end of its recovery period (depreciable life), a portion of the credit that was previously allowed must be recaptured.

Alternative-fuel vehicle refueling property ceases to be qualified if **one or more** of the following applies:

1. The property no longer qualifies as property described in IRC section 30C; **or**
2. fifty percent or more of the use of the property in a tax year is other than in a trade or business in New York; **or**
3. the taxpayer receiving the credit sells or disposes of the property and knows or has reason to know that the property will be used in a manner described in 1 or 2 above.

If a recapture is required, enter in column A the tax year the credit was originally allowed. Column B is the total recovery period (depreciable life) of the property for federal tax purposes. In column C, enter the number of years the property was in service prior to the recapture year.

To compute the recapture percentage in column E, divide column D by column B. To compute the recapture in column G, enter the original credit allowed in column F, and multiply it by the column E recapture percentage.

The amount to be recaptured is equal to the credit allowed multiplied by a fraction. The numerator of the fraction is the total recovery years of the property minus the years the property was in service (not including the recapture year), and the denominator is the total recovery years.

**Example:** *In year one, a taxpayer claims a credit of \$10,000 on refueling property that had a recovery period of ten years. The taxpayer uses the property for three years and disposes of it in year four. The recapture is computed as follows:*

|  |                    |
|--|--------------------|
| <i>Total recovery period less number of years prior to recapture year (10-3)</i> ..... | <i>seven years</i> |
| <i>Total recovery period</i> .....   | <i>ten years</i>   |
| <i>Recapture % (7/10)</i> .....  | <i>70%</i>         |
| <i>Credit originally allowed</i> .....   | <i>\$10,000</i>    |
| <i>Recaptured credit</i> .....   | <i>\$7,000</i>     |

**Line 8 –** Partner in a partnership, shareholder of an S corporation, or beneficiary of an estate or trust: Enter your share of the credit recapture. You can get this information from your partnership, S corporation, estate, or trust.

**Line 9 –** Add lines 7 and 8, and enter the total on line 9. Transfer the line 9 amount to the schedule and line of the form that you are filing, as noted at line 9.

**Line 10 –** Fiduciaries, enter the total amount of recapture allocated to beneficiaries. Provide the beneficiaries with their share of the recapture to be claimed on their tax returns.

**Line 11 –** Fiduciaries, transfer the line 11 amount to Form IT-205, line 12.

