

## **COMMISSIONER'S DIRECTIVE #29**

**JULY 2007**

**(Replaces Directive #29 dated August 2005)**

**DISCLAIMER:** Commissioner's Directives are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** Prohibition of Multiple Tax Credits for Same Investment

**REFERENCES:** IC 6-3.1-1-3; IC 6-3.1-10; IC 6-3.1-11; IC 6-3.1-11.5; IC 6-3.1-11.6; IC 6-3.1-13.5; IC 6-3.1-19; IC 6-3.1-24; IC 6-3.1-26

### **I. INTRODUCTION**

The purpose of this Directive is to explain IC 6-3.1-1-3 which limits the number of tax credits that a taxpayer can qualify for if the investment that is made by the taxpayer could qualify for multiple credits.

### **II. TAX CREDITS INCLUDED IN THE LIMITATION**

If a taxpayer qualifies for more than one of the following credits, the taxpayer is only allowed to claim one of the credits for the same project.

- (1) Enterprise zone investment cost credit (IC 6-3.1-10)
- (2) Industrial recovery tax credit (IC 6-3.1-11)
- (3) Military base recovery tax credit (IC 6-3.1-11.5)
- (4) Military base investment cost credit (IC 6-3.1-11.6)
- (5) Capital investment tax credit (IC 6-3.1-13.5)
- (6) Community revitalization enhancement district tax credit (IC 6-3.1-19)
- (7) Venture capital investment tax credit (IC 6-3.1-24)
- (8) Hoosier business investment tax credit (IC 6-3.1-26)
- (9) Hoosier alternative fuel vehicle manufacturer tax credit (IC 6-3.1-31.9)

### **III. ELECTION OF TAXPAYER TO CHOOSE CREDIT**

If a taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity has been granted more than one tax credit for the same project, the taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity must elect to use only one of the tax credits that was granted.

When the taxpayer chooses the credit that will be used for the investment made in the project, the taxpayer is not permitted to change the credit selected in subsequent years.

If the taxpayer uses all of the credits that the taxpayer has been awarded, the taxpayer is not allowed to elect a subsequent credit for the same investment in the following years.

A handwritten signature in black ink that reads "John Eckart". The signature is written in a cursive style with a large, looping initial "J".

John Eckart  
Commissioner