

Part III

Administrative, Procedural, and Miscellaneous

Sections 25E and 30D Temporary Extension of Time to Submit Seller Report to the IRS

Rev. Proc. 2024-12

SECTION 1. PURPOSE

This revenue procedure extends the time for providing certain seller reports under §§ 25E(c)(1)(D)(i) and 30D(d)(1)(H) of the Internal Revenue Code (Code)¹ to the IRS. This revenue procedure modifies sections 5.01 and 6.03 of Rev. Proc. 2022-42, 2022-52 I.R.B. 565, and section 7.03(1) of Rev. Proc. 2023-33, 2023-43 I.R.B. 1135, regarding the time and manner for submitting seller reports for sales of vehicles qualifying for the clean vehicle credit or the previously-owned clean vehicle credit under §§ 30D and 25E, respectively.

¹ Unless otherwise specified, all “Section” or “§” references are to sections of the Code.

SECTION 2. BACKGROUND

.01 *Section 30D, Clean Vehicle Credit.* Section 30D was enacted by § 205(a) of the Energy Improvement and Extension Act of 2008, Division B of Public Law 110-343, 122 Stat. 3765, 3835 (October 3, 2008), to provide a credit for purchasing and placing in service new qualified plug-in electric drive motor vehicles. Section 30D has been amended several times since its enactment, most recently by § 13401 of Public Law 117-169, 136 Stat. 1818 (August 16, 2022), commonly known as the Inflation Reduction Act of 2022 (IRA). As amended by § 13401(c)(1) of the IRA, § 30D(d)(1) defines a new clean vehicle as a motor vehicle that satisfies eight requirements, including that the person who sells any vehicle to the taxpayer must furnish a report to the taxpayer and to the Secretary of the Treasury or her delegate (Secretary) at such time and in such manner as the Secretary provides, containing a list of items enumerated in § 30D(d)(1)(H)(i) through (vi). In general, the amendments made by § 13401 of the IRA to § 30D apply to vehicles placed in service after December 31, 2022, except as provided in § 13401(k)(2) through (5) of the IRA.

.02 *Section 25E, Previously-Owned Clean Vehicle Credit.* Section 13402 of the IRA added § 25E to the Code. Section 25E(a) provides that, in the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, an income tax credit is allowed for the taxable year equal to the lesser of: (1) \$4,000, or (2) the amount equal to 30 percent of the sale price with respect to such vehicle (§ 25E credit). Section 25E(c)(1) defines a previously-owned clean vehicle to include a requirement that the motor vehicle meet the seller reporting requirements of § 30D(d)(1)(H).

.03 *Revenue Procedure 2022-42*. Rev. Proc. 2022-42 sets forth certain requirements for qualified manufacturers and sellers of vehicles, including procedures for persons selling vehicles to submit seller reports to the IRS.

(1) Section 5.01 of Rev. Proc. 2022-42 provides that, for purposes of § 30D(d)(1)(H), the person who sells any vehicle to the taxpayer or, for purposes of § 25E(c)(1)(D)(i), the dealer (as defined in § 30D(g)(8)) who sells any vehicle to the taxpayer, as applicable, (collectively, seller) must furnish a report to the taxpayer and the IRS, at such time and in such manner as the Secretary provides containing certain information that is listed in section 5.01 of Rev. Proc 2022-42.

(2) Section 6.03 of Rev. Proc. 2022-42 provides that, for vehicle sales occurring in calendar year 2023 and later, sellers must file reports pursuant to section 5 of Rev. Proc. 2022-42 with the IRS within fifteen days after the end of the calendar year. Section 6.03 of Rev. Proc. 2022-42 further provides that sellers must submit their reporting information in a format and method that the Secretary provides, and that the first reports from sellers will be due on January 15, 2024.

.04 *Revenue Procedure 2023-33*. Section 7.03 of Revenue Procedure 2023-33 modified sections 5.01 and 6.03 of Rev. Proc. 2022-42, regarding procedures for persons selling vehicles and submitting seller reports to the IRS.

(1) Section 7.03(1) of Rev. Proc. 2023-33 provides that, for sales for which the vehicle is placed in service by the taxpayer on or after January 1, 2024, a seller must file the seller report described in section 5.01 of Rev. Proc. 2022-42 through the IRS Energy Credits Online Portal within 3 calendar days of the date of sale. Section 7.03(1) of Rev. Proc. 2023-33 further provides that whenever feasible, the seller report should

be filed in conjunction with the completion of the sale and at the time the seller report is provided to the purchaser.

(2) Section 12 of Rev. Proc. 2023-33 provides, in relevant part, that the requirements of section 7.03(1) of Rev. Proc. 2023-33 regarding submitting seller reports through the IRS Energy Credits Online Portal supersede the timing and manner of filing requirements in sections 5.01 and 6.03 of Rev. Proc. 2022-42.

.05 Reasons for modifications to Rev. Proc. 2022-42 and Rev. Proc. 2023-33. The Department of the Treasury and the IRS have determined that it is appropriate to modify certain aspects of Rev. Proc. 2022-42 and Rev. Proc. 2023-33 related to seller reports under §§ 30D(d)(1)(H) and 25E(c)(1)(D)(i) in the interest of sound tax administration. Specifically, the modifications to sections 5.01 and 6.03 of Rev. Proc. 2022-42 and section 7.03(1) of Rev. Proc. 2023-33 provide sellers additional time to submit certain seller reports to the IRS.

SECTION 3. MODIFICATIONS TO REV. PROC. 2022-42

.01 Modification of section 5.01 of Rev. Proc. 2022-42. Section 5.01 of Rev. Proc. 2022-42 is modified to read as follows:

.01 Required reports under Sections 30D and 25E. For purposes of § 30D(d)(1)(H), the person who sells any vehicle to the taxpayer or, for purposes of § 25E(c)(1)(D)(i), the dealer (as defined in § 30D(g)(8)) who sells any vehicle to the taxpayer, as applicable, (collectively, seller) must furnish a report to the taxpayer and the IRS, at such time and in such manner as the Secretary provides containing information that is listed in this section 5.01. For vehicle sales occurring in calendar year 2023, the seller must provide the report to the taxpayer not later than the date the

vehicle is purchased and must submit the report to the IRS containing the following information (other than the information described in section 5.01(7)) no later than February 15, 2024:

(1) The name and taxpayer identification number of the seller;

(2) The name and taxpayer identification number of the taxpayer;

(3) The vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number;

(4) The battery capacity of the vehicle;

(5) Only for sales of new clean vehicles, verification that original use of the vehicle commences with the taxpayer;

(6) The date of sale, sale price of the vehicle, and maximum credit under § 30D or § 25E, as applicable, allowable to the taxpayer with respect to the vehicle;

(7) For sales after December 31, 2023, in the case of a taxpayer who makes an election to transfer the credit to an eligible entity under § 30D(g)(1), any amount paid or otherwise allowable as a partial payment or down payment to the taxpayer; and

(8) A declaration applicable to the report signed by a person currently authorized to bind the seller in these matters, in the following form: “Under penalties of perjury, I declare that I have examined this report submitted to the IRS pursuant to Revenue Procedure 2022-42 by [insert name of seller], and to the best of my knowledge and belief I certify that this report is true, correct, and complete.” This written report must be provided to the IRS in the time and manner described in section 6.03 of this revenue procedure.

.02 Modification of Section 6.03 of Rev. Proc. 2022-42. Section 6.03 of Rev. Proc. 2022-42 is modified to read as follows:

.03 Time for Filing Seller Reports.

For vehicle sales occurring in calendar year 2023, Sellers must file reports pursuant to section 5 of this revenue procedure and section § 30D(d)(1)(H) with the IRS no later than February 15, 2024. Sellers must submit their reporting information to the IRS in a format and method that the Secretary provides.

SECTION 4. MODIFICATIONS TO REV. PROC. 2023-33

.01 Modification of section 7.03 of Rev. Proc. 2023-33. Section 7.03(1) of Rev. Proc. 2023-33 is modified to read as follows:

(1) Submission of seller reports for sales made on or after January 1, 2024.

For sales for which the vehicle is placed in service by the taxpayer between January 1, 2024, and January 16, 2024, a seller must file the seller report described in section 5.01 of Rev. Proc. 2022-42, as modified by Rev. Proc. 2024-12, through the IRS Energy Credits Online Portal no later than January 19, 2024. For sales for which the vehicle is placed in service by the taxpayer on or after January 17, 2024, a seller must file the seller report described in section 5.01 of Rev. Proc. 2022-42, as modified by Rev. Proc. 2024-12, through the IRS Energy Credits Online Portal within 3 calendar days of the date of sale. Whenever feasible, the seller report should be filed in conjunction with the completion of the sale and at the time the seller report is provided to the purchaser.

SECTION 5. EFFECT ON OTHER DOCUMENTS

Section 7.03(1) of Rev. Proc. 2023-33 is modified. Sections 5.01 and 6.03 of Rev.

Proc. 2022-42 are further modified.

SECTION 6. PAPERWORK REDUCTION ACT

.01 The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

.02 The revenue procedure mentions reporting, third-party disclosure and recordkeeping requirements, as detailed in Revenue Procedure 2022-24, and Revenue Procedure 2023-33. This information is collected and retained to ensure that dealers and sellers properly submit records to claim the transfer election and properly retain records. This information will be used to determine whether the dealer is eligible for the claimed advance payment election. These seller reports and recordkeeping requirements were approved by OMB under 1545-2137 and 1545-2311. This revenue procedure does not change the previously approved collection requirements; it only extends the deadline for filing the seller reports, as outlined in sections 3 and 4 of this revenue procedure. Extending the deadline does not change the previously approved burden.

.03 Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by § 6103.

SECTION 7. DRAFTING INFORMATION

The principal author of this revenue procedure is the Office of Associate Chief Counsel (Passthroughs & Special Industries). For questions regarding this revenue procedure, contact at (202) 317-6855 (not a toll-free number).