

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**James E. Timilty**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to a small business gas tax credit.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01816 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT RELATIVE TO A SMALL BUSINESS GAS TAX CREDIT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 62 of the General Laws is hereby amended by inserting  
2 after section 6 the following section:—

3           Section 6½. (a) As used in this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:—

5           “Department”, the department of revenue.

6           “Small Business”, a sole proprietorship, partnership, limited liability company, corporate trust,  
7 corporation or other business, including its affiliates that is: (i) independently owned and  
8 operated, (ii) not dominant in the field of operation in which it is bidding on government  
9 contracts, (iii) qualifies as a small business under the criteria and size standards of the Small  
10 Business Administration regulations and (iv) is under 500 employees in the manufacturing and  
11 mining industries or under 100 employees for all wholesale trade industries or does under \$6  
12 million of business annually for retail and service industries or does under \$28.5 million of

13 business annually for general & heavy construction industries or does under \$12 million of  
14 business annually for all special trade contractors and under \$0.75 million of business for  
15 agricultural industries

16 “Creditable amount”, the monetary amount actually paid by a small business to provide gasoline  
17 or diesel for vehicles either owned by company or driven by employees in the normal course of  
18 business.

19 (b) There is hereby established a credit against the tax liability imposed by this chapter  
20 for small businesses to be known as the “Small Business Tax Credit”.

21 (c) The amount of the “Small Business Tax Credit” shall be up to 15 per cent of the  
22 creditable amount purchased in the taxable year.

23 (d) The commissioner shall promulgate rules and regulations relative to the  
24 administration and enforcement of this section.