

Part III – Administrative, Procedural, and Miscellaneous

Transfer of Credit under Sections 30D and 25E from Taxpayer to Eligible Entity and Updated Requirements for Qualified Manufacturers and Sellers.

Rev. Proc. 2023-33

SECTION 1. PURPOSE

This revenue procedure sets forth the procedures under §§ 30D(g) and 25E(f) of the Internal Revenue Code (Code)¹ for the transfer of the clean vehicle credit or previously-owned clean vehicle credit from the taxpayer who elects to transfer such credit to an eligible entity. These procedures will apply to transfers of credits after December 31, 2023. These procedures include registration procedures with the Internal Revenue Service (IRS) for qualified manufacturers and sellers, as well as procedures for dealer registration and the suspension and revocation of that registration. This revenue procedure also establishes a program to make advance payments of credit amounts to registered dealers. In addition, this revenue procedure supersedes sections 5.01 and 6.03 of Rev. Proc. 2022-42, 2022-52 I.R.B. 565, providing new information for the timing

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

and manner of submission of seller reports, respectively. Finally, this revenue procedure supersedes sections 6.01 and 6.02 of Rev. Proc. 2022-42, providing updated information on submission of written agreements by manufacturers to the IRS to be considered qualified manufacturers, as well as the method of submission of monthly reports by qualified manufacturers.

SECTION 2. BACKGROUND

.01 Section 30D, Clean Vehicle Credit

(1) 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). 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.

(2) Section 30D(a) allows a credit for the taxable year with respect to each new clean vehicle placed in service by a taxpayer during the taxable year (§ 30D credit). Section 30D(b) provides a maximum credit of \$7,500 per vehicle, consisting of \$3,750 if certain critical minerals requirements are met and \$3,750 if certain battery components requirements are met. These requirements are described in § 30D(e)(1) and (2), respectively.

(3) Section 30D(g) allows the taxpayer to elect to transfer the § 30D credit in

certain situations. Specifically, § 30D(g)(1) provides that, subject to such regulations or other guidance as the Secretary of the Treasury or her delegate (Secretary) determines necessary, a taxpayer may elect to transfer a § 30D credit with respect to a new clean vehicle to an eligible entity (transfer election). If the taxpayer who acquires a new clean vehicle makes a transfer election with respect to such vehicle, the § 30D(a) credit that would otherwise be allowed to such taxpayer with respect to such vehicle is allowed to the eligible entity specified in such election (and not the taxpayer). Section 30D(g)(2) defines an “eligible entity” with respect to the vehicle for which the § 30D credit is allowed as the dealer that sold such vehicle to the taxpayer and that satisfies the following four requirements of § 30D(g)(2)(A) through (D) set forth in section 2.01(3)(a) through (d) of this revenue procedure:

(a) The dealer, subject to § 30D(g)(4), must be registered with the IRS for purposes of § 30D(g)(2), at such time, and in such form and manner, as the Secretary prescribes.

(b) The dealer, prior to the transfer election and not later than at the time of sale, must have disclosed to the taxpayer purchasing such vehicle:

(i) The manufacturer's suggested retail price,

(ii) The value of the § 30D credit allowed and any other incentive available for the purchase of such vehicle, and

(iii) The amount provided by the dealer to such taxpayer as a condition of the transfer election.

(c) The dealer, not later than at the time of sale, must have paid the taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase

of such vehicle) an amount equal to the § 30D credit otherwise allowable to such taxpayer.

(d) The dealer, with respect to any incentive otherwise available for the purchase of a vehicle for which a § 30D credit is allowed under § 30D(a), including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, must have ensured that:

(i) The availability or use of such incentive does not limit the ability of a taxpayer to make a transfer election, and

(ii) Such election does not limit the value or use of such incentive.

(4) Section 30D(g)(3) addresses the timing of the election and provides that any transfer election cannot be made by the taxpayer any later than the date on which the vehicle for which the § 30D credit is allowed is purchased.

(5) Section 30D(g)(4) provides that, upon determination that a dealer has failed to comply with the requirements described in § 30D(g)(2), the dealer's registration may be revoked.

(6) Section 30D(g)(5) provides that, with respect to any payment described in § 30D(g)(2)(C), such payment is not includible in the gross income of the taxpayer and is not deductible with respect to the dealer.

(7) Section 30D(g)(6) addresses the application of certain other requirements to the transfer election and provides that in the case of any transfer election with respect to any vehicle: (A) the basis reduction and no double benefit requirements of § 30D(f)(1) and (2) apply to the taxpayer who acquired the vehicle in the same manner as if the § 30D credit determined with respect to such vehicle were allowed to such taxpayer;

(B) the election in § 30D(f)(6) to not take the § 30D credit does not apply; and (C) the vehicle identification number (VIN) requirement of § 30D(f)(9) is treated as satisfied if the eligible entity provides the VIN of such vehicle to the IRS in such manner as the Secretary may provide.

(8) Section 30D(g)(7)(A) authorizes the Secretary to establish a program to make advance payments to registered dealers in an amount equal to the cumulative amount of the § 30D credits allowed under § 30D(a) with respect to any vehicles sold by such entity for which a transfer election has been made. Section 30D(g)(7)(B) details that rules similar to the rules of § 6417(d)(6) apply for purposes of any excessive payments, and § 30D(g)(7)(C) provides that, for purposes of 31 U.S.C. 1324, the payments under § 30D(g)(7)(A) are treated in the same manner as a refund due from a credit provision referred to in 31 U.S.C. 1324(b)(2).

(9) Section 30D(g)(8) defines the term “dealer” as a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in § 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles. Section 30D(g)(9) defines the term “Indian tribal government” as the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of § 30D(g) (that is, August 16, 2022) pursuant to § 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(10) Section 30D(g)(10) provides that, in the case of any taxpayer who has made a

transfer election with respect to a new clean vehicle and received a payment from an eligible entity, if the § 30D credit would otherwise (but for § 30D(g)) not be allowable to such taxpayer pursuant to the application of the limitation based on modified adjusted gross income in § 30D(f)(10), the income tax imposed on such taxpayer under chapter 1 of the Code for the taxable year in which such vehicle was placed in service must be increased by the amount of the payment received by such taxpayer.

(11) Section 13401(k)(4) of the IRA provides that the ability for a taxpayer to elect to transfer a § 30D credit under § 30D(g) applies to vehicles placed in service after December 31, 2023.

.02 Section 25E, Previously-Owned Clean Vehicles Credit

(1) 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).

(2) Section 25E(c)(1) defines “previously-owned clean vehicle”, with respect to a taxpayer, as a motor vehicle that satisfies the following requirements:

(a) The model year of the motor vehicle is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle.

(b) The original use of the motor vehicle commences with a person other than the taxpayer.

(c) The motor vehicle is acquired by the taxpayer in a qualified sale.

(d) The motor vehicle:

(i) Meets the requirements of § 30D(d)(1)(C), (D), (E), (F), and (H) (except for § 30D(d)(1)(H)(iv)), or

(ii) Is a motor vehicle that (I) satisfies the requirements under § 30B(b)(3)(A) and (B), and (II) has a gross vehicle weight rating of less than 14,000 pounds.

(3) Section 25E(c)(2) defines a “qualified sale” as a sale of a motor vehicle:

(i) By a dealer (as defined in § 30D(g)(8)),

(ii) For a sale price that does not exceed \$25,000, and

(iii) That is the first transfer since the date of enactment to a qualified buyer other than the person with whom the original use of such vehicle commenced.

(4) Section 25E(c)(3) defines the term “qualified buyer” for purposes of § 25E as a taxpayer:

(a) Who is an individual,

(b) Who purchases such vehicle for use and not for resale,

(c) With respect to whom no deduction is allowable with respect to another taxpayer under § 151, and

(d) Who has not been allowed a § 25E credit for any sale of a motor vehicle during the 3-year period ending on the date of the sale of the previously-owned clean vehicle.

(5) Section 25E(c)(4) defines “motor vehicle” and “capacity” to have the meaning given such terms in § 30D(d)(2) and (4), respectively.

(6) Section 25E(d) provides that no credit is allowed under § 25(a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

(7) Section 25E(f) provides that rules similar to § 30D(g) apply to the transfer of a § 25E credit for previously-owned vehicles (thus, a taxpayer also may elect to transfer a § 25E credit). For purposes of this revenue procedure, the program established under §§ 30D(g)(7)(A) and 25E(f) to make advance payments of amounts of § 30D credits and § 25E credits to registered dealers with respect to eligible clean vehicles sold by such dealers for which a taxpayer makes a transfer election is referred to as the “advance payment program.”

(8) Section 13402(e)(2) of the IRA provides that the ability of a taxpayer to elect to transfer a § 25E credit under § 25E(f) applies to vehicles acquired after December 31, 2023.

.03 Revenue Procedure 2022-42.

(1) Revenue Procedure 2022-42, in relevant part, established procedures for qualified manufacturers to enter into written agreements with the IRS in accordance with §§ 30D(d)(1)(C) and 30D(d)(3), and procedures for persons selling vehicles to submit seller reports to the IRS.

(2) Sections 4.01 and 4.03 of Rev. Proc. 2022-42 provide, respectively, that a manufacturer must enter into a written agreement with the IRS to become a qualified manufacturer and must submit written reports to the IRS containing required information.

(3) Section 5.01 of Rev. Proc. 2022-42 provides, in relevant part, that the seller of a clean vehicle must submit to the Secretary a seller report containing certain information within fifteen (15) days of the end of the calendar year in which the sale occurs. Section 6.03 of Rev. Proc. 2022-42 provides that, beginning January 15, 2024,

seller reports must be filed with the IRS within fifteen days after the end of the calendar year in which the sale occurs in a format and method that the Secretary provides.

(4) Section 6.01 of Rev. Proc. 2022-42 provides that manufacturers must send their signed written agreements pursuant to section 4.01 of Rev. Proc. 2022-42 to IRS.Clean.Vehicle.Manufacturers@irs.gov. Section 6.02 of Rev. Proc. 2022-42 provides, in relevant part, that qualified manufacturers must file written monthly reports with the IRS by the fifteenth of the month. Qualified manufacturers must send an email to IRS.Clean.Vehicles.QM.Reporting@irs.gov indicating their intent to submit monthly reports and the IRS will respond with instructions on how to submit their reporting information.

.04 Transfer Election and Advance Payment Program Procedural Requirements.

The procedural rules described in this Revenue Procedure are designed in part to ensure program integrity. In particular, advance payment of the § 30D and § 25E credits poses unique compliance challenges, since such advance payments are not subject to the same tax administration procedures that apply to claiming a credit via return filing. Furthermore, participation in the credit transfer and advance payment program is optional. The transfer of § 30D and § 25E credits is elective on the part of the taxpayer, and the eligible entity can decide whether to offer to the taxpayer the ability to transfer the § 30D and § 25E credits (thereby participating in the advance payment program). Taxpayers instead may choose to wait and claim a § 30D or § 25E credit on the taxpayer's return. Section 30D(g)(1) provides that a taxpayer election to transfer the § 30D credit is subject to the regulations or other guidance that the Secretary determines necessary. Section 30D(g)(7) instructs the Secretary to establish

a program for making advance payments to eligible entities – that is, a program to make payments to the eligible entity before the eligible entity files its Federal income tax return for the relevant taxable year. Section 25E(f) provides that, for purposes of § 25E, rules similar to the rules of § 30D(g) apply. Taken together, these provisions provide authority for the Secretary to establish the parameters and conditions of the transfer election and the accompanying advance payment program for those taxpayers and eligible entities that choose to participate, in furtherance of sound tax administration.

SECTION 3. DEFINITIONS

.01 *In General.* Terms used in this revenue procedure and not defined in section 3 of this revenue procedure have the same meaning as provided in §§ 30D and 25E, the proposed regulations thereunder, and the final regulations thereunder (once issued).

.02 *IRS Energy Credits Online Portal.* For purposes of this revenue procedure, the “IRS Energy Credits Online Portal” refers to the registration portal that manufacturers and sellers must use to register as a qualified manufacturer, seller, or registered dealer. A link to the site will be made available on the [IRS website](#). Any successor portal or successor site address will be announced and made available on the [IRS website](#).

.03 *Seller.* For purposes of this revenue procedure, “seller” means, for purposes of § 30D, the person who sells any new clean vehicle to the taxpayer, or, for purposes of § 25E, the dealer (as defined in § 30D(g)(8)) who sells any previously-owned clean vehicle to the taxpayer.

SECTION 4. REGISTRATION THROUGH THE ENERGY CREDITS ONLINE PORTAL

.01 *Overview of Registration Requirements.* This section 4 sets out the registration requirements with the IRS for various aspects of the Energy Credits Online Portal for

manufacturers, sellers, and dealers. As a preliminary matter, manufacturers, sellers, and dealers must all register through the IRS Energy Credits Online Portal, as detailed in section 4.02 of this revenue procedure. Manufacturers who wish to become qualified manufacturers must follow the registration procedures in sections 4.02(1) of this revenue procedure. Sellers who are required to submit seller reports must follow the registration procedures in section 4.02(2) of this revenue procedure. Sellers who wish to become registered dealers and participate in the advance payment program must follow the registration procedures in section 4.02(3) of this revenue procedure. A dealer, as defined in § 30D(g)(8) and the regulations thereunder, must follow the registration requirements in sections 4.02(2) and 4.02(3) of this revenue procedure to become a registered dealer and participate in the advance payment program.

.02 Registration through the IRS Energy Credits Online Portal

(1) *Qualified Manufacturer Registration through the IRS Energy Credits Online Portal.* An individual representative of the manufacturer must register through the IRS Energy Credits Online Portal and provide the required information to request to become a qualified manufacturer, consistent with section 4.01(1) of Revenue Procedure 2022-42. The manufacturer's representative will need to sign in or create an account on irs.gov in order to verify the manufacturer's business tax information and register. Help related to the IRS identity verification process can be found on the sign-in page or at www.irs.gov/registerhelp. This individual representative of the manufacturer must be currently authorized to legally bind the manufacturer in these matters. Starting December 2023, a manufacturer will be able to authorize more than one employee to make representations on its behalf through the IRS Energy Credits Online Portal.

(2) *Seller Registration through the IRS Energy Credits Online Portal.* An individual representative of the seller must register through the IRS Energy Credits Online Portal and provide the required information. The seller's representative will need to sign in or create an account on irs.gov to verify the seller's business tax information and register. Help related to the IRS identity verification process can be found on the sign-in page or at www.irs.gov/registerhelp. This individual representative of the seller must be currently authorized to legally bind the seller in these matters. Starting December 2023, a seller will be able to authorize more than one employee to make representations on its behalf through the IRS Energy Credits Online Portal. At the time of registration through the IRS Energy Credits Online Portal, a seller must provide the information listed in section 4.02(2)(a) through (c) and (f) of this revenue procedure and make certifications listed in section 4.02(d) and (e) of this revenue procedure:

(a) Seller name, business address, phone number, and email address.

(b) Seller Taxpayer Identification Number (TIN) or Employer Identification Number (EIN).

(c) Proof of a State, District of Columbia, Indian tribal government, or Alaska Native Corporation issued license to sell vehicles (for § 25E sellers).

(d) Certification that, in the event a buyer returns a vehicle within 30 days of the time of sale, the seller will update the seller report.

(e) In the case of a previously-owned clean vehicle, certification that the seller will provide each taxpayer with the following information:

(i) That the model year of the vehicle is at least two years prior to the calendar year of sale; and

(ii) That the transfer is the first transfer of the vehicle since August 16, 2022, to a person other than the person with whom the original use of such vehicle commenced, excluding transfers to or between dealers.

(f) Such other information as may be required by the IRS Energy Credits Online Portal.

(3) *Dealer Registration through the IRS Energy Credits Online Portal.* An individual representative of the dealer must register through the IRS Energy Credits Online Portal to become an eligible entity that can participate in the advance payment program. The dealer's representative will need to sign in or create an account on irs.gov to verify the dealer's business tax information and register. Help related to the IRS identity verification process can be found on the sign-in page or at www.irs.gov/registerhelp. The registration and each certification must be completed by an individual representative of the dealer who is currently authorized to legally bind the dealer in these matters. Starting December 2023, a dealer will be able to authorize more than one employee to make representations on its behalf through the IRS Energy Credits Online Portal. A dealer must register at least 15 days prior to being able to receive any advance payments described in section 8 of this revenue procedure. A dealer may register through the IRS Energy Credits Online Portal at any time after the publication of this revenue procedure, but will not become an eligible entity until January 1, 2024. The required information and certifications may be updated in guidance published in the Internal Revenue Bulletin or via the IRS Energy Credits Online Portal. At the time of registration, a dealer must provide the information listed in section 4.02(3)(a), (b) and (g) of this revenue procedure and make each certification listed in

section 4.02(3)(c) through (f) of this revenue procedure:

(a) The information listed in section 4.02(2)(a) through (f) of this revenue procedure.

(b) Bank account information of the dealer, for purposes of receiving electronic payments, as described in section 8.03 of this revenue procedure. Use of a foreign bank account is not permitted.

(c) Certification that the dealer will provide each taxpayer with the following information:

(i) For purposes of the § 30D credit, the manufacturer's suggested retail price (MSRP) of the new clean vehicle, or, for purposes of the § 25E credit, the sale price of the previously-owned clean vehicle;

(ii) The maximum amount of the credit allowable and any other incentive available for the purchase of such vehicle;

(iii) The amount provided by the dealer to such taxpayer as a condition of the taxpayer making the transfer election. This amount must equal the amount of the credit potentially allowable as to the purchase of the vehicle and such amount may be provided in the form of cash or a down payment or partial payment for the purchase of the vehicle;

(iv) The modified adjusted gross income (modified AGI) limitations provided in §§ 30D(f)(10) (in the case of the § 30D credit) or 25E(b)(2) (in the case of the § 25E credit), as applicable; and

(d) Certification that, no later than the time of sale of the vehicle, the dealer will make the payment to the taxpayer (whether in cash or in the form of a partial payment

or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer.

(e) Certification that the dealer, with respect to any incentive otherwise available for the purchase of a vehicle for which a § 30D credit or § 25E credit is allowed, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that:

(i) The availability or use of such incentive does not limit the ability of a taxpayer to make a transfer election, and

(ii) Such election does not limit the value or use of such incentive.

(f) Certification that, in the event a buyer returns a vehicle within 30 days of the time of sale, and the dealer fails to report such return through the IRS Energy Credits Online Portal, the dealer will have an excessive payment of any advance payment amount received for the sale of such vehicle.

(g) Such other information as may be required by the IRS Energy Credits Online Portal.

.03 *Reliance*. For purposes of the advance payment program, taxpayers and sellers may rely on information and certifications of a qualified manufacturer (as defined in § 30D(d)(3)) described in section 4 of Rev. Proc. 2022-42 providing that a vehicle is eligible for a § 30D credit or a § 25E credit, as applicable. Section 4.03 of this revenue procedure allows reliance solely with respect to information regarding the vehicle's eligibility for the § 30D credit or § 25E credit. For example, such reliance does not apply to information regarding the taxpayer's use of such vehicle, whether the taxpayer satisfies the modified AGI limitations, or whether the taxpayer is a qualified buyer as

defined in § 25E(c)(3).

.04 IRS Verifications.

(1) At the time of seller registration through the IRS Energy Credits Online Portal described in section 4.02(2) of this revenue procedure, the IRS will validate the seller's business tax information, including the North American Industry Classification System (NAICS) Code. In the event the seller fails the validation process, the seller will be notified by the IRS.

(2) At the time of dealer registration through the IRS Energy Credits Online Portal described in section 4.02(3) of this revenue procedure, the IRS will confirm dealer tax compliance as well as validate the dealer's business tax information, including the NAICS Code and the dealer's bank account information. In the event the dealer fails the validation process, the dealer will be notified by the IRS.

.05 IRS Notification Regarding Dealer Registration. The IRS will notify the dealer if its registration is accepted or rejected after considering the information submitted by the dealer under section 4.02(3) and the verification checks under section 4.05(2) of this revenue procedure. If the dealer's registration is accepted, the IRS will issue a unique dealer identification number to the dealer, which will be available through the IRS Energy Credits Online Portal.

.06 Right to Administrative Review if Dealer Registration is Rejected. If a dealer's registration is rejected, the dealer will have the opportunity to request administrative review of the IRS's determination to the IRS. During the period that the issue is pending, the dealer cannot participate in the advance payment program.

SECTION 5. TRANSFER ELECTION DISCLOSURE OBLIGATIONS BETWEEN THE

DEALER AND TAXPAYER

.01 Disclosure to Taxpayer Electing to Transfer the Credit. Not later than the time of sale, the registered dealer must provide the taxpayer electing to transfer a credit under § 30D(g) or § 25E(f) a written disclosure containing the information described in sections 4.02(2)(e) and 4.02(3)(c) of this revenue procedure, signed under penalty of perjury by a person currently authorized to bind the dealer in these matters, and a copy of the seller report described in section 7.03 of this revenue procedure.

.02 Disclosure Obligation of Taxpayer Electing to Transfer the Credit. Not later than the time of sale, the taxpayer electing to transfer the credit under § 30D(g) or § 25E(f) must furnish the information listed in sections 5.02(1) through 5.02(3) and 5.02(11) of this revenue procedure to the registered dealer and make the attestations in sections 5.02(4) through 5.02(10) through the IRS Energy Credits Online Portal under penalty of perjury. Not later than the time of sale, the registered dealer must upload the information provided by the electing taxpayer in sections 5.02(1) through 5.02(3) and 5.02(11) of this revenue procedure through the IRS Energy Credits Online Portal. The information the electing taxpayer must furnish is as follows:

- (1) Date of the taxpayer's transfer election;
- (2) The taxpayer's TIN;
- (3) A photocopy of the taxpayer's valid, government-issued photo identification document;
- (4) An attestation, that either:
 - (a) The taxpayer's prior year modified AGI did not exceed the modified AGI limitations, provided in §§ 30D(f)(10) (in the case of the § 30D credit) or 25E(b)(2) (in

the case of the § 25E credit), as applicable, or, if not known, to the best of the taxpayer's knowledge and belief, the taxpayer's prior year modified AGI did not exceed such limitation, or

(b) To the extent of the taxpayer's knowledge and belief, the taxpayer's current year modified AGI will not exceed the modified AGI limitation;

(5) In the case of the § 30D credit, an attestation that the vehicle will be used predominantly for personal use;

(6) In the case of the § 25E credit, an attestation that the taxpayer is a "qualified buyer" as defined § 25E(c)(3);

(7) An attestation that the taxpayer will file an income tax return for the taxable year in which the vehicle is placed in service on or before the due date of the return (including extensions), reporting the taxpayer's eligibility for the § 30D or § 25E credit, as applicable, including the vehicle's VIN, and the taxpayer's election to transfer the credit to the eligible entity, and repaying any credit amounts subject to recapture, if applicable;

(8) An attestation that the taxpayer is making this election prior to placing the vehicle in service and that the taxpayer has made no more than two transfer elections (including the election for which the attestation is being made) during the taxable year;

(9) An attestation that in the event the taxpayer's modified AGI exceeds the applicable modified AGI limitations, they will repay the amount received as an addition to tax for the tax year the vehicle was placed in service.

(10) An attestation that the taxpayer has voluntarily elected to transfer the credit;
and

(11) Such other information as may be required by the IRS Energy Credits Online Portal.

SECTION 6. TAXPAYER ELECTION TO TRANSFER CREDIT

.01 Taxpayer Election. A taxpayer may make an election to transfer the credit under § 30D or § 25E to a registered dealer no later than the time of sale. A transfer election will be considered made by a taxpayer upon providing the information described in section 5.02 of this revenue procedure to the registered dealer.

.02 Two Transfer Elections per year. A taxpayer may make no more than two transfer elections per taxable year, consisting of either two § 30D credits or one § 30D credit and one § 25E credit. In the case of a joint return, each individual taxpayer may make no more than two transfer elections per taxable year.

.03 Amount of Transferred Credit. A taxpayer making a transfer election must transfer the entire amount of the credit allowable to the taxpayer to the registered dealer.

SECTION 7. QUALIFIED MANUFACTURER WRITTEN AGREEMENT AND REPORTS AND SELLER REPORTS

.01 Qualified Manufacturer Written Agreement. Beginning January 1, 2024, to be considered a qualified manufacturer, manufacturers must have entered into a written agreement pursuant to section 4.01 of Rev. Proc. 2022-42 through the IRS Energy Credits Online Portal. The required attestation must be completed by a person currently authorized to bind the manufacturer in these matters. Manufacturers will not be considered qualified manufacturers until they have entered into written agreements with the IRS. Manufacturers who previously registered and filed written agreements under

the procedures in section 6.01 of Rev. Proc. 2022-42 must enter into new written agreements through the IRS Energy Credits Online Portal. The procedures for manufacturers to enter into written agreements prior to January 1, 2024 will remain as described in section 6.01 of Rev. Proc. 2022-42.

.02 Written Reports by Qualified Manufacturers. Beginning January 1, 2024, qualified manufacturers must file the monthly written reports described in section 4.02 of Rev. Proc. 2022-42 through the IRS Energy Credits Online Portal by the fifteenth of the month following the month to which each monthly written report relates. Qualified manufacturers may file reports more frequently than once a month. Beginning January 1, 2024, manufacturers who previously registered as qualified manufacturers under the procedures in section 6.01 of Rev. Proc. 2022-42 must file their written reports through the IRS Energy Credits Online Portal. The procedures for manufacturers to file written reports prior to January 1, 2024, will remain as described in section 6.02 of Rev. Proc. 2022-42.

.03 Seller Reports.

(1) *Time and Manner of Filing Seller Reports.* 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. 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. A seller may submit seller reports through the IRS Energy Credits Online Portal prior to January 1, 2024.

(2) *Requirement to Furnish Copy of Seller Report to Taxpayer.* The seller must

provide the seller report as well as the confirmation of the submission of the seller report through the IRS Energy Credits Online Portal to the taxpayer purchasing the vehicle within 3 calendar days of the submission of the seller report through the IRS Energy Credits Online Portal.

(3) *IRS Rejection of Seller Report.* In the event that the information provided in the seller report does not match the IRS's records, the IRS may reject the seller report and notify the seller. In the event the seller report is rejected, a dealer will not be eligible for an advance payment under section 8 of this revenue procedure. The seller must notify the buyer within 3 calendar days of the IRS's rejection of the seller report.

(4) *Updating and Rescinding of Seller Reports.* In the event the seller wishes to update or rescind certain information on a seller report for a scrivener's error or cancellation of sale, it must do so through the IRS Energy Credits Online Portal as promptly as possible after the original submission occurred, either through an update of the original seller report (if within 48 hours of the original submission of the report) or through submission of a new seller report correcting the prior information. In the event of a return by the buyer, the seller must file a new seller report noting the return. The IRS will acknowledge submission of the report of the return. The seller must notify the buyer within 3 calendar days of updating or rescinding the seller report, and provide the buyer a copy. The seller must also notify the buyer within 3 calendar days of the IRS's rejection of the updated or rescinded report.

SECTION 8. ADVANCE PAYMENT TO REGISTERED DEALERS

.01 *Information Required for Advance Payments.* To receive advance payments for each taxpayer's transfer election, the registered dealer must, at the time of sale of the

new clean vehicle or previously-owned clean vehicle, as applicable, provide the vehicle's VIN, the seller report, and the taxpayer disclosure information in section 5.02 of this revenue procedure through the IRS Energy Credits Online Portal. The information must be provided by a person currently authorized to bind the registered dealer in these matters.

.02 Dealer Tax Compliance Checks. In order to participate in the advance payment program, the dealer must be in dealer tax compliance. Prior to the disbursement of advance payments as described in this revenue procedure, and on a continuing and regular basis, the IRS will conduct dealer tax compliance checks to ensure dealers remain in dealer tax compliance.

.03 Time and Manner of Payments. After the registered dealer provides the information required in section 8.01 of this revenue procedure through the IRS Energy Credits Online Portal, and provided the seller report is accepted and the registered dealer is in dealer tax compliance, an electronic advance payment will be disbursed to the most recent bank account specified by the registered dealer. No advance payments will be disbursed by paper checks.

SECTION 9. RECORDKEEPING

.01 Registered Dealer Recordkeeping Obligations. The registered dealer must retain records for each taxpayer who makes a transfer election in accordance with section 6 of this revenue procedure for a period of three years after the transfer election is made. The record for each taxpayer must include the information described in section 5.02 of this revenue procedure.

.02 Seller Recordkeeping Obligations. The seller must retain records for each seller

report submitted in accordance with section 7.03 of this revenue procedure for a period of three years after the report is filed with the IRS Energy Credits Online Portal.

SECTION 10. SUSPENSION OF REGISTERED DEALER ELIGIBILITY

.01 Suspension of Eligibility. The IRS may suspend a registered dealer's eligibility to participate in the advance payment program for any of the following reasons:

(1) The IRS determines that the registered dealer provided inaccurate information to the taxpayer regarding the vehicle's eligibility or the taxpayer's eligibility for the advance payment program;

(2) The IRS determines that the registered dealer provided inaccurate information to the IRS regarding the vehicle's eligibility or taxpayer's eligibility for the advance payment program;

(3) The IRS determines that the registered dealer provided inaccurate information to the IRS regarding its eligibility for the advance payment program;

(4) The registered dealer fails to satisfy the dealer tax compliance requirement in section 8.02 of this revenue procedure;

(5) The IRS determines that the bank account information that the dealer provided through the IRS Energy Credits Online Portal is not valid;

(6) The dealer fails to report the return of a vehicle through the IRS Energy Credits Online Portal as required in section 4.04(f) of this revenue procedure;

(7) The IRS determines it is necessary to suspend the registered dealer's registration to prevent abuse of the advance payment program.

.02 Notification by the IRS to the Dealer. If the IRS determines a registered dealer's eligibility for the advance payment program should be suspended pursuant to section

10.01 of this revenue procedure, the IRS will notify the registered dealer of such determination.

.03 Correction. The registered dealer will be notified of a suspension from the advance payment program as well as the reason for the suspension. The registered dealer will be given an opportunity to correct any errors that caused its suspension. The registered dealer cannot participate in the advance payment program from the moment it is notified of the suspension, unless and until the suspension is lifted.

.04 Revocation of Dealer's Registration. If the registered dealer fails to correct the errors that caused the suspension from the advance payment program within a year of the suspension, the registered dealer's registration will be revoked, and the procedures in section 11 of this revenue procedure will apply.

SECTION 11. REVOCATION OF REGISTERED DEALER ELIGIBILITY AND RE-REGISTRATION

.01 Revocation of Dealer Eligibility. The IRS may revoke a dealer's registration to receive credits transferred under §§ 30D(g) or 25E(f) and be eligible for advance payments of such credits for any of the following reasons:

- (1) The registered dealer fails to comply with any of the registration requirements in section 4 of this revenue procedure;
- (2) The registered dealer fails to satisfy the dealer tax compliance requirement in section 8.02 of this revenue procedure;
- (3) The registered dealer loses its license to sell vehicles;
- (4) The IRS determines that the registered dealer provided inaccurate information to the taxpayer regarding the vehicle eligibility or the taxpayer's eligibility for the

advance payment program, in circumstances where the IRS determines that revocation, rather than suspension, as referenced in section 10.01(1) of this revenue procedure, is appropriate;

(5) The IRS determines that the registered dealer provided inaccurate information to the IRS regarding vehicle eligibility or taxpayer eligibility for the advance payment program, in circumstances where the IRS determines that revocation, rather than suspension, as referenced in section 10.01(2) of this revenue procedure, is appropriate;

(6) The registered dealer fails to retain records for each taxpayer who makes a transfer election for a period of three years;

(7) The registered dealer's registration has been suspended three times in the preceding year in accordance with section 10 of this revenue procedure.

.02 Notification by the IRS to the Dealer. If the IRS determines a registered dealer's eligibility for the advance payment program should be revoked, the IRS will notify the registered dealer within 30 days of such determination.

.03 Right to Administrative Review. If a registered dealer is notified of the revocation of its eligibility for the advance payment program, it will have the opportunity to administrative review of the IRS's determination. During the period that the issue is pending, the registered dealer cannot participate in the advance payment program. Once the IRS makes a final determination, a registered dealer's registration will either be confirmed as revoked, fully reinstated, or reinstated under conditions as determined by the IRS.

.04 Re-Registration of Dealer. No earlier than one calendar year after the date of the notification described in section 11.02 of this revenue procedure revoking a registered

dealer's registration, a registered dealer may apply to register again through the IRS Energy Credits Online Portal, as described in section 4.03(c) of this revenue procedure.

.05 Non Eligibility for Re-Registration. After a registered dealer's registration has been revoked, including any final IRS determinations following the dealer's request for an administrative review of the revocation, if applicable, on three separate occasions, the registered dealer will be permanently barred from re-registering with the IRS and participating in the advance payment program.

SECTION 12. EFFECT ON OTHER DOCUMENTS

The requirements of sections 7.01 and 7.02 of this revenue procedure regarding filing a written agreement to be considered a qualified manufacturer and filing monthly written reports through the IRS Energy Credits Online Portal supersede the timing and manner of filing requirements in sections 6.01 and 6.02 of Rev. Proc. 2022-42. The requirements of section 7.03(1) of this revenue procedure 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.

SECTION 13. PAPERWORK REDUCTION ACT

The collection of information contained in this revenue procedure has been submitted to the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-2311.

An 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 OMB control number.

The collections of information in this revenue procedure are in sections 4.02, 5.01,

5.02, 7.01, 7.02, 7.03(1), 8.01, 9.01, and 9.02. This information is collected and retained to ensure that dealers and sellers properly register with the IRS, 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. The collection of information is voluntary to obtain a benefit. The likely respondents are corporations and partnerships.

The estimated total annual reporting burden is 296,688 hours.

The estimated annual burden per respondent is one hour to complete the dealer registration, as required under this revenue procedure, and the estimated number of respondents is 52,000. The estimated annual burden per respondent is .25 hours to complete the advanced payment uploading of information, as required under this revenue procedure and the estimated number of respondents is 978,750. The estimated annual frequency of responses is 1,030,750.

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 14. DRAFTING INFORMATION

The principal author of this revenue procedure is the Office of Associate Chief Counsel (Passthroughs & Special Industries). However, other personnel from the Department of the Treasury and the IRS participated in its development. For further information regarding this revenue procedure, call the energy security guidance contact number at (202) 317-5254 (not a toll-free call).