



Indiana Department of Revenue

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Departmental Notice #41

Subject: Carryforward of Tax Credits Repealed in 2014

Publication Date: September 2023

Effective Date: January 2015

Reference(s): IC 6-3.1

Replaces Notice #41, dated July 2014

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Summary of Changes

Apart from technical, nonsubstantive changes, this notice has been updated to remove references.

Introduction

This notice describes the method for a taxpayer to take a tax credit carryforward after the tax credit was repealed by House Enrolled Act (HEA) 1380 (2014).

Explanation

HEA 1380 (2014) repealed several tax credits. Some of the tax credits had a carryforward provision if the amount of the credit to be claimed exceeded the taxpayer's tax liability for the taxable year. A list of the repealed credits and their carryforward time limits is provided here:

Tax Credit	Carryforward Provision
Blended Biodiesel	Credit 6 years
Energy Savings Credit	No carryforward
Ethanol Production Credit	Unlimited carryforward
New Employer Credit	9 years
Prison Investment Credit	No carryforward
Riverboat Building Credit	Unlimited carryforward
Voluntary Remediation Credit	5 years

IC 6-3.1-1-4, as added by HEA 1380 (2014), SECTION 14, provides that a taxpayer can still use the carryforward language contained in the respective tax credit statutes that were repealed. The carryforward is limited to the amount to be carried forward and the number of years that can be carried forward as contained in the respective statute allowing the unused credit to be carried forward.

If you have any questions concerning this notice, please contact the Tax Policy Division at taxpolicy@dor.in.gov.

A handwritten signature in black ink that reads "Christopher Russell". The signature is written in a cursive, slightly slanted style.

Christopher W. Russell
General Counsel
Indiana Department of Revenue