



Tax bills provide benefits

The Small Business and Work Opportunity Tax Act of 2007 (SBWOTA) and the Economic Stimulus Act of 2008 (ESA)

change rules regarding depreciation and deduction of business property. The new rules have numerous provisions that will have an effect on equipment dealers and their customers.

■ Some of the key provisions are as follows

Section 179 – Business Expense

The SBWOTA extends the Section 179 expense limit through tax years beginning before 2011 and expands the limit to \$125,000 (adjusted for inflation). This amount is increased for Gulf Opportunity Zone property (see http://www.gozoneguide.com/story_2.html for designated areas in the Gulf Opportunity Zone)

The opportunity to apply the Section 179 expense to certain SUVs used for business (that weigh more than 6,000 pounds, but not more than 14,000 pounds) is limited to \$25,000 of the cost of the SUV.

For tax years beginning in 2008 only, the ESA increases the maximum amount that a taxpayer may expense to \$250,000 from \$128,000. This is its highest level ever. If a business is on a fiscal year, it should note this does not apply to the business until its new fiscal year starts. For example, if a business is on an April 1st to March 31st fiscal year, the \$250,000 expense amount would begin for that business on April 1, 2008.

Bonus Depreciation

The ESA also provides for an additional first-year depreciation deduction equal to 50 percent of the cost of certain new property, .i.e., property eligible for

MACRS with a depreciation period of 20 years or less or off-the-shelf computer software. Generally, this only applies to new purchases made in calendar year 2008 which are placed in service during 2008.

Manufacturers' Deduction

Beginning in 2005 and phased in through 2009, businesses that manufacture goods in the U.S. can claim a new deduction under new Section 199 of the code. This manufacturers' deduction applies not only to taxpayers who are engaged in traditional domestic manufacturing activities, but all taxpayers performing construction, engineering, and architectural services and taxpayers who are producing electricity, natural gas or potable water.

Taxpayers who produce agricultural products also can qualify for this deduction if they perform storage, handling or other processing services within the U.S. Eligible taxpayers may claim a deduction ranging from 3 percent in 2005 to eventually 9 percent when the deduction is fully phased in after 2009 (based upon the lesser of their qualified production activities income or their taxable income for the year). The amount of the tax deduction is limited to 50 percent of W-2 wages allocable to the business' domestic production gross receipts.

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■ How the new tax bills benefit equipment dealers

The Section 179 business expense deduction rules are extremely important to equipment dealers because these new laws will encourage more equipment purchases by customers in the next few years. Dealers should take an active role in promoting these changes and use them as a valuable marketing tool. The Section 179 business expense deduction and bonus depreciation rules also can be used by a dealership in the purchase of its own (a) machinery, tools or other property used in the dealer's business or (b) inventory held for leasing purposes.

Section 179 Business Expense Deduction

Section 179 of the tax code permits businesses to expense the costs of certain property that would otherwise be depreciated over several years. The new law increases the annual limit of these deductions and extends the new rules through 2010.

What is Section 179 property?

- A farm tractor purchased by a farmer is a good example of Section 179 property. The technical definition of Section 179 property is tangible personal property with a life exceeding one year that is used for trade or business.
- Real estate is not Section 179 property.
- For tax years beginning in 2008 only, the ESA increases the maximum amount that a taxpayer may expense to \$250,000 from \$128,000. After 2008, this amount returns to \$125,000 (as adjusted for inflation) for the 2009 and 2010 tax years.
- The Section 179 business expense deduction can only be used by small businesses. Small businesses are those with capital asset purchases, i.e., depreciable property, of \$500,000 (as adjusted for inflation) or less per year for the 2007 – 2010 tax years.
- Businesses with over \$500,000 but less than \$625,000 of capital asset purchases, i.e., depreciable property, can also use Section 179 but the \$125,000 expense cap is reduced on a dollar for

dollar basis once capital asset purchases exceed \$500,000, e.g., a business with \$550,000 of capital asset purchases can only expense \$50,000 of such purchases.

- The changes to Section 179 were effective after December 31, 2006, so any purchases made after that date qualify. Note that the tax benefits of these changes only apply to purchases by December 31, 2010.
- The ESA further modifies this rule for taxable years beginning in 2008 only. The ESA provides that the threshold for reducing the expense deduction increases to \$800,000 from \$510,000. In 2009, the number will revert back to \$500,000 (as adjusted for inflation).

■ Reduction in Taxes on Capital Gains and Dividends set to expire

Decrease in Capital Gains Rates

Top capital gains rates are reduced to 15 percent from 20 percent. Capital gains taxes are assessed on gains on the sale of capital assets, such as stock. The new rates went into effect May 6, 2003, and will remain in effect through December 31, 2010. However, there are some limitations:

- All sales prior to May 6, 2003, are subject to the previous capital gains rates.
- A 25 percent capital gains rate remains for long-term real estate gains attributable to depreciation recapture.
- Unless Congress takes further action, the old rates will return after December 31, 2010.

Dividends

Qualified dividends received by shareholders from C Corporations will now be taxed at the capital gain rates instead of the shareholder's ordinary income tax rate. However, there are some limitations to the new rules:

- Dividends received from tax-deferred retirement plans do not qualify for the new rates.
- Unless Congress takes further action, the old rates will return after December 31, 2010.

Disclaimer: This summary and overview is provided as a general guide to equipment dealers. However, it does not contain all of the details of the new legislation. Each dealer should consult his/her tax advisor to determine the effect the new law may have on his/her dealership and what procedures are necessary to benefit from the new tax laws. The information contained herein does not and is not intended to constitute legal advice, but should be used only in connection with consultation with an attorney in regard to a particular factual situation. Further, it pertains only to laws of the United States. Certain laws may vary from state to state and may vary depending on the business conducted by a particular employer.