

**Rev. Proc. 2009-12, 2009-3 IRB 321, 01/15/2009, IRC
Sec(s). 61**

**Gross income—special valuation rules—employer-provided
vehicles—maximum vehicle values.**

Headnote:

IRS provided maximum vehicle values for use with special valuation rules under Reg § 1.61-21(d) and Reg § 1.61-21(e) . These values are indexed for inflation and must be adjusted annually by referring to CPI.

Reference(s): ¶ 615.028(15); Code Sec. 61;

Full Text:

This revenue procedure provides maximum vehicle values for 2009 that taxpayers need to determine the value of personal use of an employer-provided vehicle under the special valuation rules under regulations section 1.61-21(d) and (e). These values are indexed annually for inflation.

For purposes of this revenue procedure, the indexation takes into account only certain components of the Consumer Price Index (CPI). These components can decrease even when the overall CPI increases, as is the case for this year.

1. Purpose

.01. This revenue procedure provides: (1) the maximum value of employer-provided vehicles first made available to employees for personal use in calendar year 2009 for which the vehicle cents-per-mile valuation rule provided under section 1.61-21(e) of the Income Tax Regulations may be applicable is \$15,000 for a passenger automobile and \$15,200 for a truck or van; (2) the maximum value of employer-provided vehicles first made available to employees for personal use in calendar year 2009 for which the fleet-average valuation rule provided under section 1.61-21(d) of the regulations may be applicable is \$19,900 for a passenger automobile and \$19,900 for a truck or van.

2. Background

.01. If an employer provides an employee with a vehicle that is available to the employee for personal use, the value of the personal use must generally be included in the employee's income and wages. Internal Revenue Code § 61; Treas. Reg. § 1.61-21.

.02. For employer-provided passenger automobiles (including trucks and vans) made available to employees for personal use that meet the requirements of section 1.61-21(e)(1) of the regulations, generally the value of the personal use may be determined under the vehicle cents-per-mile valuation rule of section 1.61-21(e). However, regulations section 1.61-21(e)(1)(iii)(A) provides that for a passenger automobile first made available after 1988 to any employee of the

employer for personal use, the value of the personal use may not be determined under the vehicle cents-per-mile valuation rule for a calendar year if the fair market value of the passenger automobile (determined pursuant to regulations section 1.61-21(d)(5)(i) through (iv)) on the first date the passenger automobile is made available to the employee exceeds a specified dollar limit.

.03. For employer-provided vehicles available to employees for personal use for an entire year, generally the value of the personal use may be determined under the automobile lease valuation rule of section 1.61-21(d) of the regulations. Under this valuation rule, the value of the personal use is the Annual Lease Value. Provided the requirements of regulation section 1.61-21(d)(5)(v) are met, an employer with a fleet of 20 or more automobiles may use a fleet-average value for purposes of calculating the Annual Lease Values of the automobiles in the employer's fleet. The fleet-average value is the average of the fair market values of all the automobiles in the fleet. However, section 1.61-21(d)(5)(v)(D) of the regulations provides that for an automobile first made available after 1988 to an employee of the employer for personal use, the value of the personal use may not be determined under the fleet-average valuation rule for a calendar year if the fair market value of the automobile (determined pursuant to regulations section 1.61-21(d)(5)(i) through (v)) on the first date the passenger automobile is made available to the employee exceeds a specified dollar limit.

.04. The maximum passenger automobile values for applying the vehicle cents per-mile and the fleet-average value rules reflect the automobile price inflation adjustment of Code section 280F(d)(7). The method of calculating this price inflation amount for automobiles other than trucks and vans uses the "new car" component of the CPI "automobile component". When calculating this price inflation adjustment for trucks and vans, the "new trucks" component of the CPI is used. This results in somewhat higher maximum values for trucks and vans. This change reflects the higher rate of price inflation that trucks and vans have been subject to since 1988, and is consistent with the change announced in Rev. Proc. 2003-75, 2003-2 C.B. 1018, for purposes of calculating depreciation deductions. *See also* Rev. Proc. 2008-22, 2008-12 I.R.B. 658. For purposes of this revenue procedure, the term "trucks and vans" refers to passenger automobiles that are built on a truck chassis, including minivans and sport utility vehicles (SUVs) that are built on a truck chassis.

3. Procedure

.01. Maximum Automobile Value for Using the Cents-per-mile Valuation Rule.

An employer providing a passenger automobile for the first time in calendar year 2009 for the personal use of any employee may determine the value of the personal use by using the vehicle cents-per-mile valuation rule in section 1.61-21(e) of the regulations if its fair market value on the date it is first made available does not exceed \$15,000 for a passenger automobile other than a truck or van, or \$15,200 for a truck or van. If the fair market value of the passenger automobile exceeds this amount, the employer may determine the value of the personal use under the general valuation rules of regulations section 1.61-21(b) or under the special valuation rules of section 1.61-21(d) (Automobile lease valuation) or section 1.61-21(f) (Commuting valuation) if the applicable requirements are met. *See* Rev. Proc. 2007-11, 2007-1 C.B. 261, for guidance on determining the maximum value of passenger automobiles first made available during calendar year 2007, and Rev. Proc. 2008-13, 2008-6 I.R.B. 407, as modified by Announcement 2008-15, 2008-9 I.R.B. 511, for guidance on determining the maximum value of passenger automobiles first made available during calendar year 2008.

.02. Maximum Automobile Value for Using the Fleet-Average Valuation Rule.

An employer with a fleet of 20 or more automobiles providing an automobile for the first time in calendar year 2009 for the personal use of any employee for an entire year may determine the value of the personal use by using the fleet-average valuation rule in regulations section 1.61-21(d)(5)(v) to calculate the Annual Lease Values of the automobiles in the fleet. The fleet-average valuation rule may not be used to determine the Annual Lease Value of any automobile if its fair market value on the date it is first made available exceeds \$19,900 for a passenger automobile other than a truck or van, or \$19,900 for a truck or van. If all other applicable requirements are met, an employer with a fleet of 20 or more vehicles consisting of passenger automobiles other than trucks or vans as well as trucks and vans may use the fleet-average valuation rule as long as none of the vehicles exceed their respective maximum allowable values. If the fair market value of any passenger automobile in the fleet exceeds these amounts, the employer may determine the value of the personal use under regulations section 1.61-21(f) (Commuting valuation) or the general valuation rules of section 1.61-21(b) or may determine the Annual Lease Value of such automobile separately under the automobile lease valuation rule of section 1.61-21(d)(2) if the applicable requirements are met.

4. Effective Date

This revenue procedure applies to employer- provided passenger automobiles first made available to employees for personal use in calendar year 2009.

5. Drafting Information

The principal author of this revenue procedure is Don M. Parkinson of the Office of the Division Counsel/Associate Chief Counsel (Tax Exempt & Government Entities). For further information regarding the maximum automobile value for applying the valuation rules of regulations section 1.61-21(e)(1)(iii)(A) (the vehicle cents-per-mile valuation rule), and section 1.61-21(d)(5)(v)(D) (the fleet average valuation rule), contact Don M. Parkinson at (202) 622-6040 (not a toll-free call).