

**Effective 5/12/2015**

**Superseded 3/1/2016**

**63N-2-202 Definitions.**

As used in this part:

- (1) "Business entity" means an entity, sole proprietorship, or individual:
  - (a) including a claimant, estate, or trust; and
  - (b) under which or by whom business is conducted or transacted.
- (2) "Claimant" means a resident or nonresident person that has:
  - (a) Utah taxable income as defined in Section 59-7-101; or
  - (b) state taxable income under Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information.
- (3) "County applicant" means the governing authority of a county that meets the requirements for designation as an enterprise zone under Section 63N-2-204.
- (4) "Estate" means a nonresident estate or a resident estate that has state taxable income under Title 59, Chapter 10, Part 2, Trusts and Estates.
- (5) "Municipal applicant" means the governing authority of a city or town that meets the requirements for designation as an enterprise zone under Section 63N-2-204.
- (6) "New full-time employee position" means a position that has been newly created and then filled by an employee working at least 30 hours per week:
  - (a) for a period of not less than six consecutive months; and
  - (b) where the period ends in the tax year for which the credit is claimed.
- (7) "Nonrefundable tax credit" or "tax credit" means a tax credit that a business entity may:
  - (a) claim:
    - (i) as provided by statute; and
    - (ii) in an amount that does not exceed the business entity's tax liability for a taxable year under:
      - (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes; or
      - (B) Title 59, Chapter 10, Individual Income Tax Act; and
  - (b) carry forward or carry back:
    - (i) if allowed by statute; and
    - (ii) to the extent that the amount of the tax credit exceeds the business entity's tax liability for a taxable year under:
      - (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes; or
      - (B) Title 59, Chapter 10, Individual Income Tax Act.
- (8) "Tax incentives" or "tax benefits" means the nonrefundable tax credits described in Section 63N-2-213.
- (9) "Trust" means a nonresident trust or a resident trust that has state taxable income under Title 59, Chapter 10, Part 2, Trusts and Estates.