

26 **59-10-1029**, Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **59-10-1029** is enacted to read:

30 **59-10-1029. Nonrefundable higher education tuition credit.**

31 (1) As used in this section:

32 (a) "Eligible institution" means an institution within the state system of higher
 33 education specified in Section 53B-1-102.

34 (b) "Qualified tuition expenses" mean tuition and mandatory fees, less:

35 (i) refunds; and

36 (ii) amounts received from scholarships, grants, stipends, or similar forms of financial
 37 aid that are not subject to repayment.

38 (2) (a) For taxable years beginning on or after January 1, 2012, a claimant may claim a
 39 nonrefundable tax credit equal to the amount of the qualified tuition expenses paid:

40 (i) (A) by the claimant; or

41 (B) by another person on behalf of the claimant;

42 (ii) in the taxable year; and

43 (iii) for the claimant's enrollment at an eligible institution.

44 (b) The amount of the nonrefundable tax credit claimed under Subsection (2)(a) may
 45 not exceed 5% of the claimant's tax liability before tax credits under this chapter.

46 (c) If the nonrefundable tax credit allowed under this section exceeds 5% of the
 47 claimant's tax liability before tax credits under this chapter, the claimant may carry forward the
 48 excess amount to future taxable years.

49 (d) ~~H→ [The sum of the nonrefundable tax credit claimed under Subsection (2)(a) and any~~
 50 ~~excess amount carried forward pursuant to Subsection (2)(c) may not exceed 5% of the~~
 51 ~~claimant's tax liability before tax credits under this chapter.]~~

51a (d) **Notwithstanding Subsections (2)(a) and (c), a claimant may not claim for a**
 51b **taxable year a total amount that exceeds 5% of the claimant's tax liability before credits under**
 51c **this chapter from:**

51d (i) **the amount of a nonrefundable tax credit claimed under**
 51e **Subsection (2)(a); and**

51f (ii) **an amount carried forward pursuant to Subsection (2)(c).** ←H

52 (e) A claimant who qualifies for a nonrefundable tax credit under this section shall, at
 53 the request of the commission:

54 (i) identify to the commission the eligible institution or institutions where the claimant
 55 was enrolled; and

56 (ii) provide written authorization for the eligible institution to release to the