

FIRST REGULAR SESSION

HOUSE BILL NO. 1060

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER.

2133H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 135.562, RSMo, and to enact in lieu thereof one new section relating to a disability modification tax credit.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 135.562, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.562, to read as follows:

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued ~~[pursuant to]~~ **under** this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (1) Constructing entrance or exit ramps;
- 19 (2) Widening exterior or interior doorways;
- 20 (3) Widening hallways;
- 21 (4) Installing handrails or grab bars;
- 22 (5) Moving electrical outlets and switches;
- 23 (6) Installing stairway lifts;
- 24 (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- 25 (8) Modifying hardware of doors; or
- 26 (9) Modifying bathrooms.

27 5. The tax credits allowed, including the maximum amount that may be claimed,
28 ~~[pursuant to]~~ **under** this section shall be reduced by an amount sufficient to offset any amount
29 of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income
30 or to the extent such taxpayer has applied any other state or federal income tax credit to such
31 costs.

32 6. A taxpayer shall claim a credit allowed by this section in the same ~~[taxable]~~ **tax** year
33 as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return;
34 provided that such return is timely filed.

35 7. The department may, in consultation with the department of social services,
36 promulgate such rules or regulations as are necessary to administer the provisions of this section.
37 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
38 authority delegated in this section shall become effective only if it complies with and is subject
39 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
40 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
41 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
43 or adopted after August 28, 2007, shall be invalid and void.

44 8. The provisions of this section shall apply to all tax years beginning on or after January
45 1, 2008.

46 9. The provisions of this section shall expire December 31, ~~[2019]~~ **2025**, unless
47 reauthorized by the general assembly. This section shall terminate on September first of the
48 calendar year immediately following the calendar year in which the program authorized under
49 this section is sunset. The provisions of this subsection shall not be construed to limit or in any
50 way impair the department's ability to redeem tax credits authorized on or before the date the
51 program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

52 10. In no event shall the aggregate amount of all tax credits allowed ~~[pursuant to]~~ **under**
53 this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued
54 pursuant to this section shall be on a first-come, first-served filing basis.

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