

House Bill 429

By: Representative Teasley of the 37<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to imposition, rate, and computation of and exemptions from income taxes, so as to  
3 create a tax credit for certain education expenses by taxpayers on behalf of certain dependent  
4 children; to provide for definitions; to provide for rules and regulations; to provide for related  
5 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to  
10 imposition, rate, and computation of and exemptions from income taxes, is amended by  
11 adding a new Code section to read as follows:

12 "48-7-40.32.

13 (a) As used in this Code section, the term:

14 (1) 'Education expense' means:

15 (A) Tuition and fees;

16 (B) Required textbooks;

17 (C) Payment for private tutoring;

18 (D) Payment for purchase of curriculum materials;

19 (E) Tuition or fees for a nonpublic online learning program;

20 (F) Contracted educational services by a public school or local school system,  
21 including courses; provided, however, that this shall not be construed to equate to  
22 enrollment in a public school for purposes of eligibility for the program;

23 (G) Fees for nationally norm-referenced assessment instruments, advanced placement  
24 or similar examinations, and any examinations related to college or university  
25 admission; and

26 (H) Educational services for participating students with disabilities from a licensed or  
 27 accredited practitioner or provider. Such educational services may include, but are not  
 28 limited to:

29 (i) Applied behavior analysis services;

30 (ii) Speech-language pathology services;

31 (iii) Occupational therapy services; and

32 (iv) Physical therapy services.

33 (2) 'Qualified education expense' means funds expended by a taxpayer on education  
 34 expenses which were used by such taxpayer's dependent child in connection with any  
 35 elementary or secondary public or private school or home study program established  
 36 pursuant to Code Section 20-2-690.

37 (b)(1) A taxpayer shall be allowed a credit against the tax imposed by Code Section  
 38 48-7-20 in the amount of 25 percent of up to \$1,000.00 of qualified education expenses  
 39 per dependent child incurred during the tax year by such taxpayer.

40 (2) No taxpayer shall be entitled to such credit as set forth in paragraph (1) of this  
 41 subsection for eligible expenses claimed by another taxpayer.

42 (3) The amount of the tax credit allowed to a taxpayer by paragraph (1) of this subsection  
 43 that exceeds such taxpayer's income tax liability shall be applied against such taxpayer's  
 44 tax liability for the succeeding year.

45 (4) No such tax credit shall be allowed against prior years' tax liability.

46 (c) The commissioner shall promulgate any rules and regulations necessary to implement  
 47 and administer this Code section."

48 **SECTION 2.**

49 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 50 without such approval and shall be applicable to tax years beginning on or after January 1,  
 51 2018.

52 **SECTION 3.**

53 All laws and parts of laws in conflict with this Act are repealed.