

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 355

Short Title: Reenact and Expand Long-Term Care Credit. (Public)

Sponsors: Senators Boseman; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Graham, Hagan, Hartsell, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, and Weinstein.

Referred to: Finance.

February 27, 2007

A BILL TO BE ENTITLED

1 AN ACT TO REENACT THE LONG-TERM CARE INSURANCE TAX CREDIT
2 AND TO EXPAND THE CREDIT.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 105-151.28 is reenacted and reads as rewritten:

6 "**§ 105-151.28. Credit for premiums paid on long-term care insurance.**

7 (a) Credit. – An individual is allowed, as a credit against the tax imposed by this
8 Part, an amount equal to fifteen percent (15%) of the premium costs the individual paid
9 during the taxable year on a qualified long-term care insurance contract that offers
10 coverage to either the individual, the individual's spouse, or a dependent for whom the
11 individual was allowed to deduct a personal exemption under section 151(c)(1)(A) of
12 the Code for the taxable year. The credit allowed by this section may not exceed ~~three~~
13 ~~hundred fifty dollars (\$350.00)~~ five hundred dollars (\$500.00) for each qualified
14 long-term care insurance contract for which a credit is claimed. The credit allowed
15 under this section may not exceed the amount of tax imposed by this Part for the taxable
16 year reduced by the sum of all credits allowed, except payments of tax made by or on
17 behalf of the taxpayer. A nonresident or part-year resident who claims the credit
18 allowed by this subsection shall reduce the amount of the credit by multiplying it by the
19 fraction calculated under G.S. 105-134.5(b) or (c), as appropriate.

20 (b) No Double Benefit. – No credit is allowed for payments that are deducted
21 from, or not included in, the taxpayer's gross income for the taxable year. If the taxpayer
22 claimed a deduction for health insurance costs of self-employed individuals under
23 section 162(l) of the Code for the taxable year, the amount of credit otherwise allowed
24 the taxpayer under this section is reduced by the applicable percentage provided in

1 section 162(l) of the Code. If the taxpayer claimed a deduction for medical care
2 expenses under section 213 of the Code for the taxable year, the taxpayer is not allowed
3 a credit under this section. A taxpayer who claims the credit allowed by this section
4 must provide any information required by the Secretary to demonstrate that the amount
5 paid for premiums for which the credit is claimed was not excluded from the taxpayer's
6 gross income for the taxable year.

7 (c) Definition. – For purposes of this section, the term 'qualified long-term care
8 insurance contract' has the same meaning as defined in section 7702B of the Code."

9 **SECTION 2.** G.S. 105-160.3(b)(7) is reenacted.

10 **SECTION 3.** This act is effective for taxable years beginning on or after
11 January 1, 2007.