

783

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. WRIGHT -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the tax law, in relation to a child care tax credit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (ss) to read as follows:
3 (SS) CHILD CARE CREDIT. (1) ALLOWANCE OF CREDIT. A RESIDENT TAXPAYER
4 SHALL BE ALLOWED A CREDIT AGAINST THE TAXES IMPOSED BY THIS ARTICLE FOR
5 CHILD CARE EXPENSES.
6 (2) CHILD CARE. CHILD CARE MEANS CARE PROVIDED TO A QUALIFYING CHILD
7 OF THE TAXPAYER FOR THE PURPOSES OF ALLOWING THE TAXPAYER TO BE GAINFUL-
8 LY EMPLOYED, TO SEEK EMPLOYMENT OR TO ATTEND SCHOOL ON A FULL-TIME OR
9 PART-TIME BASIS, EXCEPT THAT THE TERM DOES NOT INCLUDE CARE PROVIDED BY:
10 (A) THE CHILD'S PARENT OR GUARDIAN, UNLESS THE CARE IS PROVIDED BY THE
11 PARENT IN A CERTIFIED OR REGISTERED CHILD CARE FACILITY; OR THE PARENT
12 OR GUARDIAN IS PHYSICALLY INCAPABLE OF CARING FOR THE CHILD; OR
13 (B) A CHILD OF THE TAXPAYER WHO HAS NOT YET ATTAINED AGE NINETEEN
14 YEARS OF AGE AT THE CLOSE OF THE TAX YEAR.
15 (3) CHILD CARE EXPENSES. CHILD CARE EXPENSES MEANS THE COSTS ASSOCI-
16 ATED WITH PROVIDING CHILD CARE TO A QUALIFYING CHILD OF A RESIDENT
17 TAXPAYER.
18 (4) QUALIFYING CHILD. QUALIFYING CHILD MEANS A CHILD OF THE TAXPAYER
19 WHO IS UNDER THIRTEEN YEARS OF AGE, OR WHO IS A DISABLED CHILD.
20 (5) AMOUNT OF CREDIT. A RESIDENT TAXPAYER SHALL BE ALLOWED A CREDIT
21 AGAINST THE TAX IMPOSED BY THIS ARTICLE OF TWENTY-FIVE PERCENT OF THE
22 EXPENSES OF CHILD CARE.
23 S 2. This act shall take effect immediately and shall apply to taxable
24 years commencing on or after January 1, 2012.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD03106-01-1