



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0167

Introduced 01/14/09, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

35 ILCS 5/218 new

Amends the Illinois Income Tax Act. Creates a tax credit, for taxable years ending on or after December 31, 2009 and on or before December 30, 2014, for individual taxpayers who, during the taxable year, pay costs for an eligible child to enroll in a qualified physical-fitness program. Provides that the credit is an amount equal to the lesser of (i) the total costs of all qualified physical-fitness programs paid in the taxable year for all eligible children of the taxpayer or (ii) \$500. Provides that the credit may not be carried forward or back and may not reduce the taxpayer's liability to less than zero. Sets forth requirements for qualified physical-fitness programs. Requires the Department of Revenue, in consultation with the Department of Public Health and the State Board of Education, to adopt rules for the administration of the credit. Effective immediately.

LRB096 03460 HLH 13484 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Income Tax Act is amended by adding
5 Section 218 as follows:

6 (35 ILCS 5/218 new)

7 Sec. 218. Child fitness credit.

8 (a) For taxable years ending on or after December 31, 2009
9 and on or before December 30, 2014, each individual taxpayer
10 who, during the taxable year, pays costs for an eligible child
11 to enroll in a qualified physical-fitness program is entitled
12 to a credit against the tax imposed under subsections (a) and
13 (b) of Section 201 in an amount equal to the lesser of (i) the
14 total costs of all qualified physical-fitness programs paid in
15 the taxable year for all minor children of the taxpayer or (ii)
16 \$500.

17 (b) The credit under this Section may not be carried
18 forward or back and may not reduce the taxpayer's liability to
19 less than zero.

20 (c) To be a qualified physical-fitness program under this
21 Section, the program must meet all of the following
22 requirements:

23 (1) the program must continue for at least 8

1 consecutive weeks with at least one session per week; and

2 (2) for children 10 years of age or younger, each
3 session of the program must consist of physical-fitness
4 activities that last for at least 30 minutes and, for
5 children older than 10 years of age, each session of the
6 program must consist of physical-fitness activities that
7 last for at least 60 minutes.

8 A camp program is eligible under this Section if the
9 program lasts for at least 5 consecutive days, during which at
10 least 50% of the activity during the program hours of each day
11 involve physical-fitness activities.

12 If a club or other organization sponsors more than physical
13 activities, only that portion of any membership fee that is
14 activities-based is eligible with respect to the credit under
15 this Section. For family-membership fees to any club or other
16 organization, only that portion of the fee related to the child
17 or children of the taxpayer is eligible with respect to the
18 credit under this Section.

19 Any program that requires the use of a motorized vehicle is
20 not a qualified physical-fitness program.

21 Any fee charged for a regular school physical education
22 program is not eligible with respect to the credit under this
23 Section.

24 (d) For the purpose of this Section:

25 "Eligible child" means a dependent of the taxpayer who is
26 16 years of age or younger or, if the child is a person with a

1 disability, 18 years of age or younger.

2 "Physical-fitness activity" means an activity in which
3 substantially all of the activities undertaken include a
4 significant physical activity that contributes to
5 cardio-respiratory endurance, plus one or more of: muscular
6 strength; muscular endurance; flexibility; or balance.

7 (e) The Department, in consultation with the Department of
8 Public Health and the State Board of Education, must adopt
9 rules for the administration of the credit under this Section.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.