

Melissa G. Ballard proposes the following substitute bill:

**Tax Penalties Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses tax penalties within the Individual Income Tax Act.

**Highlighted Provisions:**

This bill:

- ▶ removes marriage penalties from certain individual income tax credits and exemptions by setting income phaseout amounts for filers who have single, head of household, or married filing separately status to be half of the amount for filers who have joint filing status;
- ▶ enacts a nonrefundable individual income tax credit available for married filers; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides retrospective operation.

**Utah Code Sections Affected:**

AMENDS:

- 59-10-104.1**, as last amended by Laws of Utah 2025, Chapter 182
- 59-10-1018**, as last amended by Laws of Utah 2023, Chapter 459
- 59-10-1019**, as last amended by Laws of Utah 2022, Chapter 258
- 59-10-1042**, as last amended by Laws of Utah 2025, Chapter 182
- 59-10-1047**, as last amended by Laws of Utah 2025, Chapter 407

ENACTS:

**59-10-1049**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **59-10-104.1** is amended to read:

30 **59-10-104.1 . Exemption from taxation.**

31 (1) For purposes of this section:

32 (a) "Modified adjusted gross income" means the amount calculated by:

33 (i) adding the individual's adjusted gross income on the individual's federal individual  
34 income tax return for the taxable year and any additions required by Section  
35 59-10-114 for the taxable year; and36 (ii) subtracting from the amount calculated in accordance with Subsection (1)(a)(i),  
37 any subtractions required by Section 59-10-114 for the taxable year.38 (b) "Personal exemptions" means the total exemption amount an individual is allowed to  
39 claim for the taxable year under Section 151, Internal Revenue Code, for:

40 (i) the individual;

41 (ii) the individual's spouse; and

42 (iii) the individual's dependents.

43 (c) "Standard deduction":

44 (i) means:

45 (A) for a return filed under this chapter that is allowed a single filing status, a head  
46 of household filing status, or a married filing separately status, the standard  
47 deduction allowed for an individual [is allowed to claim] who files a single  
48 federal individual income tax return for the taxable year under Section 63,  
49 Internal Revenue Code; [and] or50 (B) for a return filed under this chapter that is allowed a joint filing status, the  
51 standard deduction allowed for individuals who file a joint federal individual  
52 income tax return for the taxable year under Section 63, Internal Revenue  
53 Code; and54 (ii) notwithstanding Subsection (1)(c)(i), does not include an additional amount  
55 allowed under Section 63(f), Internal Revenue Code, for an individual or an  
56 individual's spouse who is:

57 (A) blind; or

58 (B) 65 years of age or older.

59 (2) An individual is exempt from a tax imposed by Section 59-10-104 or 59-10-116 if the  
60 individual's modified adjusted gross income is less than or equal to the sum of the  
61 individual's:

62 (a) personal exemptions for that taxable year; and

63 (b) standard deduction for that taxable year.

64 Section 2. Section **59-10-1018** is amended to read:

65 **59-10-1018 . Definitions -- Nonrefundable taxpayer tax credits.**

66 (1) As used in this section:

67 (a) "Head of household filing status" means a head of household, as defined in Section  
68 2(b), Internal Revenue Code, who files a single federal individual income tax return  
69 for the taxable year.

70 (b) "Joint filing status" means:

71 (i) spouses who file a single return jointly under this chapter for a taxable year; or

72 (ii) a surviving spouse, as defined in Section 2(a), Internal Revenue Code, who files a  
73 single federal individual income tax return for the taxable year.

74 (c) "Married filing separately status" means a married individual who:

75 (i) does not file a single federal individual income tax return jointly with that married  
76 individual's spouse for the taxable year; and

77 (ii) files a single federal individual income tax return for the taxable year.

78 ~~(e)~~ (d) "Qualifying dependent" means an individual with respect to whom the claimant  
79 is allowed to claim a tax credit under Section 24, Internal Revenue Code, on the  
80 claimant's federal individual income tax return for the taxable year.

81 ~~(d)~~ (e) "Single filing status" means~~[-]~~ a single individual who files a single federal  
82 individual income tax return for the taxable year.

83 ~~(i) a single individual who files a single federal individual income tax return for the~~  
84 ~~taxable year; or]~~

85 ~~[(ii) a married individual who:]~~

86 ~~[(A) does not file a single federal individual income tax return jointly with that~~  
87 ~~married individual's spouse for the taxable year; and]~~

88 ~~[(B) files a single federal individual income tax return for the taxable year.]~~

89 ~~(e)~~ (f) "State or local income tax" means the lesser of:

90 (i) the amount of state or local income tax that the claimant:

91 (A) pays for the taxable year; and

92 (B) reports on the claimant's federal individual income tax return for the taxable  
93 year, regardless of whether the claimant is allowed an itemized deduction on

94 the claimant's federal individual income tax return for the taxable year for the  
95 full amount of state or local income tax paid; and

96 (ii) \$10,000.

97 ~~(f)~~ (g)(i) "Utah itemized deduction" means the amount the claimant deducts as

- 98 allowed as an itemized deduction on the claimant's federal individual income tax  
99 return for that taxable year minus any amount of state or local income tax for the  
100 taxable year.
- 101 (ii) "Utah itemized deduction" does not include any amount of qualified business  
102 income that the claimant subtracts as allowed by Section 199A, Internal Revenue  
103 Code, on the claimant's federal income tax return for that taxable year.
- 104 ~~[(g)]~~ (h) "Utah personal exemption" means, subject to Subsection ~~[(6)]~~ (7), \$1,750  
105 multiplied by the number of the claimant's qualifying dependents plus an additional  
106 qualifying dependent in the year of a qualifying dependent's birth.
- 107 (2) Except as provided in Section 59-10-1002.2, and subject to Subsections (3) through ~~[(5)]~~  
108 (6), a claimant may claim a nonrefundable tax credit against taxes otherwise due under  
109 this ~~[part]~~ chapter equal to the sum of:
- 110 (a)(i) for a claimant that deducts the standard deduction on the claimant's federal  
111 individual income tax return for the taxable year, 6% of the amount the claimant  
112 deducts as allowed as the standard deduction on the claimant's federal individual  
113 income tax return for that taxable year; or
- 114 (ii) for a claimant that itemizes deductions on the claimant's federal individual  
115 income tax return for the taxable year, 6% of the amount of the claimant's Utah  
116 itemized deduction; and
- 117 (b) 6% of the claimant's Utah personal exemption.
- 118 (3) A claimant may not carry forward or carry back a tax credit under this section.
- 119 (4) The tax credit allowed by Subsection (2) shall be reduced by \$.013 for each dollar by  
120 which a claimant's state taxable income exceeds:
- 121 (a) for a claimant who has a single filing status, a head of household filing status, or a  
122 married filing separately status, \$15,095; or
- 123 ~~[(b) for a claimant who has a head of household filing status, \$22,643; or]~~
- 124 ~~[(c)]~~ (b) for a claimant who has a joint filing status, \$30,190.
- 125 (5)(a) For a taxable year beginning on or after January 1, 2022, the commission shall  
126 increase or decrease annually the ~~[following dollar amounts]~~ dollar amount listed in  
127 Subsection (5)(a) by a percentage equal to the percentage difference between the  
128 consumer price index for the preceding calendar year and the consumer price index  
129 for calendar year 2020~~[:]~~ .
- 130 ~~[(i) the dollar amount listed in Subsection (4)(a); and]~~
- 131 ~~[(ii) the dollar amount listed in Subsection (4)(b).]~~

132 (b) After the commission increases or decreases the dollar [~~amounts listed in Subsection~~  
 133 ~~(5)(a)] amount listed in Subsection (5)(a) in accordance with Subsection (6)(a), the~~

134 commission shall round [~~those dollar amounts listed in Subsection (5)(a)] the dollar  
 135 amount listed in Subsection (5)(a) to the nearest whole dollar.~~

136 (c) After the commission rounds the dollar [~~amounts as required by]~~ amount listed in  
 137 Subsection (5)(a) in accordance with Subsection [~~(5)(b)] (6)(b), the commission shall~~

138 increase or decrease the dollar amount listed in Subsection [~~(4)(e)] (5)(b) so that the~~

139 dollar amount listed in Subsection [~~(4)(e)] (5)(b) is equal to the product of:~~

- 140 (i) the dollar amount listed in Subsection [~~(4)(a)] (5)(a); and~~
- 141 (ii) two.

142 (d) For purposes of Subsection [~~(5)(a)] (6)(a), the commission shall calculate the~~

143 consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue

144 Code.

145 (6)(a) For a taxable year beginning on or after January 1, 2022, the commission shall

146 increase annually the Utah personal exemption amount listed in Subsection [~~(1)(g)]~~  
 147 (1)(h) by a percentage equal to the percentage by which the consumer price index for

148 the preceding calendar year exceeds the consumer price index for calendar year 2020.

149 (b) After the commission increases the Utah personal exemption amount as described in

150 Subsection [~~(6)(a)] (7)(a), the commission shall round the Utah personal exemption~~

151 amount to the nearest whole dollar.

152 (c) For purposes of Subsection [~~(6)(a)] (7)(a), the commission shall calculate the~~

153 consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue

154 Code.

155 Section 3. Section **59-10-1019** is amended to read:

156 **59-10-1019 . Definitions -- Nonrefundable retirement tax credit.**

157 (1) As used in this section:

158 (a) "Eligible claimant" means a claimant, regardless of whether that claimant is retired,  
 159 who was born on or before December 31, 1952.

160 (b) "Head of household filing status" means the same as that term is defined in Section  
 161 59-10-1018.

162 (c) "Joint filing status" means the same as that term is defined in Section 59-10-1018.

163 (d) "Married filing separately status" means a married individual who:

- 164 (i) does not file a single federal individual income tax return jointly with that married  
 165 individual's spouse for the taxable year; and

- 166 (ii) files a single federal individual income tax return for the taxable year.
- 167 (e) "Modified adjusted gross income" means the sum of the following for an eligible  
 168 claimant or, if the eligible claimant's return under this chapter is allowed a joint filing  
 169 status, the eligible claimant and the eligible claimant's spouse:
- 170 (i) adjusted gross income for the taxable year for which a tax credit is claimed under  
 171 this section;
- 172 (ii) any interest income that is not included in adjusted gross income for the taxable  
 173 year described in Subsection (1)(e)(i); and
- 174 (iii) any addition to adjusted gross income required by Section 59-10-114 for the  
 175 taxable year described in Subsection (1)(e)(i).
- 176 (f) "Single filing status" means a single individual who files a single federal individual  
 177 income tax return for the taxable year.
- 178 (2) Except as provided in Section 59-10-1002.2 and Subsections (3) and (4), each eligible  
 179 claimant may claim a nonrefundable tax credit of \$450 against taxes otherwise due  
 180 under this ~~[part]~~ chapter.
- 181 (3) An eligible claimant may not:
- 182 (a) carry forward or carry back the amount of a tax credit under this section that exceeds  
 183 the eligible claimant's tax liability for the taxable year; or
- 184 (b) claim a tax credit under this section for a taxable year if a tax credit under Section  
 185 59-10-1042 or 59-10-1043 is claimed on the claimant's return for the same taxable  
 186 year.
- 187 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this ~~[part]~~  
 188 chapter shall be reduced by \$.025 for each dollar by which modified adjusted gross  
 189 income for purposes of the return exceeds:
- 190 (a) for a ~~[federal individual income tax-]~~return filed under this chapter that is allowed a  
 191 single filing status, a head of household filing status, or a married filing separately  
 192 status, \$16,000; or
- 193 ~~[(b) for a federal individual income tax return that is allowed a single filing status,~~  
 194 ~~\$25,000;]~~
- 195 ~~[(c) for a federal individual income tax return that is allowed a head of household filing~~  
 196 ~~status, \$32,000; or]~~
- 197 ~~[(d)]~~ (b) for a return filed under this chapter that is allowed a joint filing status, \$32,000.
- 198 Section 4. Section **59-10-1042** is amended to read:
- 199 **59-10-1042 . Nonrefundable tax credit for social security benefits.**

- 200 (1) As used in this section:
- 201 (a) "Head of household filing status" means the same as that term is defined in Section  
202 59-10-1018.
- 203 (b) "Joint filing status" means the same as that term is defined in Section 59-10-1018.
- 204 (c) "Married filing separately status" means a married individual who:
- 205 (i) does not file a single federal individual income tax return jointly with that married  
206 individual's spouse for the taxable year; and
- 207 (ii) files a single federal individual income tax return for the taxable year.
- 208 (d) "Modified adjusted gross income" means the sum of the following for a claimant or,  
209 if the claimant's return under this chapter is allowed a joint filing status, the claimant  
210 and the claimant's spouse:
- 211 (i) adjusted gross income for the taxable year for which a tax credit is claimed under  
212 this section;
- 213 (ii) any interest income that is not included in adjusted gross income for the taxable  
214 year described in Subsection (1)(d)(i); and
- 215 (iii) any addition to adjusted gross income required by Section 59-10-114 for the  
216 taxable year described in Subsection (1)(d)(i).
- 217 (e) "Single filing status" means a single individual who files a single federal individual  
218 income tax return for the taxable year.
- 219 (f) "Social security benefit" means an amount received by a claimant as a monthly  
220 benefit in accordance with the Social Security Act, 42 U.S.C. Sec. 401 et seq.
- 221 (2) Except as provided in Section 59-10-1002.2 and Subsections (3) and (4), each claimant  
222 on a return that receives a social security benefit may claim a nonrefundable tax credit  
223 against taxes otherwise due under this [part] chapter equal to the product of:
- 224 (a) the percentage listed in Subsection 59-10-104(2); and
- 225 (b) the claimant's social security benefit that is included in the claimant's state taxable  
226 income for the taxable year.
- 227 (3) A claimant may not:
- 228 (a) carry forward or carry back the amount of a tax credit under this section that exceeds  
229 the claimant's tax liability for the taxable year; or
- 230 (b) claim a tax credit under this section for a taxable year if a tax credit under Section  
231 59-10-1019 is claimed on the claimant's return for the same taxable year.
- 232 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this [part]  
233 chapter shall be reduced by \$.025 for each dollar by which modified adjusted gross

- 234 income for purposes of the return exceeds:
- 235 (a) for a return filed under this chapter that is allowed a single filing status, a head of  
236 household filing status, or a married filing separately status, \$45,000; or  
237 [~~(b) for a return filed under this chapter that is allowed a single filing status, \$54,000;~~]  
238 [~~(c) for a return filed under this chapter that is allowed a head of household filing status,~~  
239 ~~\$90,000; or]~~  
240 [~~(d)~~] (b) for a return filed under this chapter that is allowed a joint filing status, \$90,000.
- 241 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
242 commission may make rules governing the calculation and method for claiming the tax  
243 credit described in this section.

244 Section 5. Section **59-10-1047** is amended to read:

245 **59-10-1047 . Nonrefundable child tax credit.**

- 246 (1) As used in this section:
- 247 (a) "Joint filing status" means the same as that term is defined in Section 59-10-1018.
- 248 (b) "Head of household filing status" means the same as that term is defined in Section  
249 59-10-1018.
- 250 (c) "Married filing separately status" means a married individual who:
- 251 (i) does not file a single federal individual income tax return jointly with that married  
252 individual's spouse for the taxable year; and
- 253 (ii) files a single federal individual income tax return for the taxable year.
- 254 (d) "Modified adjusted gross income" means the sum of the following for a claimant or,  
255 if the claimant's federal individual income tax return is allowed a joint filing status,  
256 the claimant and the claimant's spouse:
- 257 (i) adjusted gross income for the taxable year for which a tax credit is claimed under  
258 this section;
- 259 (ii) any interest income that is not included in adjusted gross income for the taxable  
260 year described in Subsection (1)(d)(i); and
- 261 (iii) any addition to adjusted gross income required by Section 59-10-114 for the  
262 taxable year described in Subsection (1)(d)(i).
- 263 (e) "Qualifying child" means an individual:
- 264 (i) with respect to whom the claimant is allowed to claim a tax credit under Section  
265 24, Internal Revenue Code, on the claimant's federal individual income tax return  
266 for the taxable year; and
- 267 (ii) who is under six years old on the last day of the claimant's taxable year.

- 268 (f) "Single filing status" means a single individual who files a single federal individual  
 269 income tax return for the taxable year.
- 270 (2) Subject to Section 59-10-1002.2, a claimant may claim a nonrefundable tax credit of  
 271 \$1,000 for each qualifying child.
- 272 (3) A claimant may not carry forward or carry back the amount of the tax credit that  
 273 exceeds the claimant's tax liability.
- 274 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this part shall  
 275 be reduced by \$.10 for each dollar by which modified adjusted gross income for  
 276 purposes of the return exceeds:
- 277 (a) for a federal individual income tax return that is allowed a single filing status, a head  
 278 of household filing status, or a married filing separately status, \$27,000; or  
 279 ~~[(b) for a federal individual income tax return that is allowed a single filing status or~~  
 280 ~~head of household filing status, \$43,000; and]~~  
 281 [(e)] (b) for a federal individual income tax return that is allowed a joint filing status,  
 282 \$54,000.

283 Section 6. Section **59-10-1049** is enacted to read:

284 **59-10-1049 . Nonrefundable marriage tax credit.**

285 (1) As used in this section:

- 286 (a) "Joint filing status" means the same as that term is defined in Section 59-10-1018.
- 287 (b) "Married filing separately status" means the same as that term is defined in Section  
 288 59-10-1047.
- 289 (c) "Modified adjusted gross income" means the same as that term is defined in Section  
 290 59-10-1047.
- 291 (d) "Qualifying claimant" means a claimant:
- 292 (i) who has a joint filing status or a married filing separately status; and
- 293 (ii) whose modified adjusted gross income is no more than:
- 294 (A) \$45,000, for a claimant who has a married filing separately status; or
- 295 (B) \$90,000, for a claimant who has a joint filing status.

296 (2) A qualifying claimant may claim a nonrefundable tax credit of:

- 297 (a) \$79, for a claimant who has a married filing separately status; or
- 298 (b) \$158, for a claimant who has a joint filing status.

299 (3) A qualifying claimant may not carry forward or carry back the amount of the tax credit  
 300 that exceeds the qualifying claimant's tax liability.

301 Section 7. **Effective Date.**

302 This bill takes effect on May 6, 2026.

303 Section 8. **Retrospective operation.**

304 This bill has retrospective operation for a taxable year beginning on or after January 1,

305 2026.