

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1188

Introduced by

Representatives Carlisle, Aarsvold

Senators Dever, Freborg

1 A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to  
2 section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit  
3 for the purchase of hearing aids; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 57-38 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Credit for hearing aids.** An individual is entitled to a credit against the tax imposed  
8 under 57-38-29 or 57-38-30.3 in an amount equal to the amount paid during the taxable year  
9 by the taxpayer for the purchase of any qualified hearing aid for which the individual is not  
10 compensated by insurance or otherwise. The amount allowed as a credit under this section  
11 may not exceed five hundred dollars per qualified hearing aid.

12 1. For purposes of this section, "qualified hearing aid" means a hearing aid which:

13 a. Is described in 21 CFR 874.3300 and is authorized under the federal Food,  
14 Drug, and Cosmetic Act for commercial distribution; and

15 b. Is intended for use:

16 (1) By the taxpayer, but only if the taxpayer intending to use the hearing  
17 aid is age fifty-five or older; or

18 (2) By an individual with respect to whom the taxpayer, for the taxable  
19 year, is allowed a deduction under Internal Revenue Code section  
20 151(c) [26 U.S.C.151(c)], relating to deductions for personal  
21 exemptions for dependents.

22 2. This section applies to an individual for a taxable year only if the individual elects to  
23 claim this credit for that taxable year. An individual may not make an election to

1                   claim this credit for any taxable year if an election is in effect with respect to the  
2                   individual for any of the four taxable years preceding that taxable year.

3           3. A credit is not allowed under this section for any expense for which a deduction or  
4           credit is claimed under any other provision of this chapter.

5           **SECTION 2.** A new subsection to section 57-38-30.3 of the North Dakota Century Code  
6 is created and enacted as follows:

7                   A taxpayer filing a return under this section is entitled to the credit provided under  
8                   section 1 of this Act.

9           **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
10 December 31, 2006.