

**North Carolina**

**Biennial Tax  
Expenditure Report**

**2017**



**NCDOR**

**Financial Services Division,  
Revenue Research Section**

**North Carolina  
Biennial Tax  
Expenditure Report**

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**Financial Services Division, Revenue Research Section  
North Carolina Department of Revenue  
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# North Carolina Biennial Tax Expenditure Report

2017

## Introduction

In compliance with the requirements of Section 105-256 of the General Statutes of North Carolina, the Department of Revenue has prepared this report of tax expenditures contained in the Revenue Laws of North Carolina (except Subchapter II) as amended through 2017. The listing of expenditures and measurements of their respective costs will allow legislative review of their impact on the State's economy and on government revenues.

As in past publications, tax expenditures for each State-level tax type are presented in a separate section of this report. At the beginning of each section, some basic information of the tax base and normal State tax rates for relevant fiscal years is presented. Each tax expenditure provision includes a General Statutes citation, a short description of the tax expenditure, and a "Data Source" that notes the source of the data used for the estimate. Also, some of the tax expenditures have a "Note" that details some additional information pertinent to the estimation of that particular tax expenditure. The additional information in this report is to provide context for the estimates, and is not intended to represent the official interpretation of the Department of Revenue.

The report includes information on the "enacting legislation" related to each tax expenditure, as available. These notes attempt to provide the session laws that first incorporated each of the tax expenditures into statute. In some cases, additional notes are given referring to prior treatment of a provision or substantive changes that have occurred subsequent to the initial enactment. However, it was not in the scope of this report to provide a comprehensive history of every provision. (Many of the older provisions are only followed back to the major re-codification of the tax laws in S.L. 1939-158.)

Several of the tax expenditure provisions have sunset dates. Notes related to the current sunset dates of each provision, when applicable, are included in the report. This report includes any tax expenditures that have a current sunset date after December 2017.

Estimates of the cost of tax expenditures are provided for Fiscal Year 2017-18 and Fiscal Year 2018-19.

## Defining Tax Expenditures for this Study

A tax expenditure is defined as an exemption, exclusion, deduction, allowance, credit, refund, preferential tax rate or other device that reduces the amount of tax revenue which otherwise would be collected.

Tax expenditures are created to give economic assistance to certain groups of producers or consumers in the economy or to promote other policy goals. This report does not purport to evaluate the various expenditures as to equity or desirability from a public policy standpoint.

## Introduction

Some tax expenditures are necessary. For instance, Constitutional restrictions forbid taxing the federal government's purchases, as well as certain transactions involving interstate trade and commerce on Indian Reservations. Also, there are specific exemptions or exclusions that are made in order to avoid duplicate taxation of an activity. For example, S-corporations are not taxed on profits that are transferred to shareholders, who subsequently pay income taxes on these dividends. Also, some exemptions and exclusions that are deemed necessary to define the appropriate tax base are not listed in the main body of this report. These types of tax expenditures are listed in Appendix B. No cost estimates are provided for these.

The sales tax presents the most ambiguous cases of when exemptions should be included as tax expenditures for this report. The sales tax is generally considered to be a tax on "final" purchases. Transactions involving the purchase of intermediate goods that will be further processed into a final good are properly exempted from the sales tax. It is arguable whether purchases of machinery, fuel or similar inputs used in production of final goods should be taxed. Since there is no consensus on this point, we include estimates of tax exemptions on inputs that are not directly transformed in the production process. Sales tax exemptions that are excluded from estimation are included in Appendix B.

The term "preferential tax rate" has been interpreted to mean any rate that is less than the basic rate that applies to the largest number of taxpayers. In some instances higher rates are used on a relatively small number of taxpayers. In such cases, the lower general rates are not listed as preferential. Also, no preferential status is acknowledged when distinctly different bases are taxed at different rates under the same tax category. For example, under the alcoholic beverage taxes, different rates and bases are used to tax beer, wine, and spirituous liquor.

## Measuring the Fiscal Effects of Tax Expenditures

It should be noted at the outset of this report that the fiscal effects of tax expenditures are sometimes difficult to quantify. Several methods for estimating the costs of expenditures are used.

The most accurate source of information comes from actual tax returns that provide direct evidence of when certain expenditures are taken and the amounts of those expenditures. For example, we are able to use personal income tax and corporate income tax returns from 2015 and 2014 respectively to measure the use of certain tax deductions and tax credits.

Sometimes, needed data are more timely and extensive at the national level than at the state level. When this occurs, the state-level data are estimated by determining North Carolina's share of national activity. In these cases, several assumptions must be made to derive the final estimates. Therefore, these estimates are less reliable than those that can be measured directly.

For most national economic data, the share of North Carolina's activities will consistently be in the range of 2.8% to 3.1%, which corresponds to North Carolina's share of gross domestic product (GDP) and population. Therefore, national statistics are often multiplied by one of these percentages to estimate North Carolina's value. However, when it is apparent that North Carolina's data are not typical of national activity, such as textile or pharmaceutical manufacturing, attempts are made to use more representative proportions.

In some cases, sufficient data were not available to allow estimation of the value of an expenditure. In these cases, the expenditure estimate is designated as "unavailable."

**Table 1****Summary of Tax Expenditure Estimates for FY 2018-19 by Tax Category**

<b>Tax</b>	<b>Number of Tax Expenditures</b>	<b>Sum of Estimates of \$100,000 and Over (Millions of Dollars)</b>	<b>Number Estimated to Be Less than \$100,000</b>	<b>Number with Unavailable Estimate</b>
Privilege Tax	3	0.0	3	0
Tobacco Products Tax	5	6.1	1	1
Alcoholic Beverage Tax	5	3.2	1	3
Franchise Tax	16	473.5	1	3
Corporation Income Tax	30	285.4	7	11
Various Tax Incentives (Articles 3B through 3L)	6	21.1	0	1
Individual Income Tax <sup>†</sup>	13	2,832.5	2	2
Sales and Use Tax	159	4,790.5	5	59
Highway Use Tax	15	177.7	0	10
Scrap Tire Disposal Tax	2	0.7	0	1
White Goods Disposal Tax	1	0.0	1	0
Severance Tax	2	0.0	0	2
Taxes on Insurance Companies	7	190.2	0	2
Excise Stamp Tax on Conveyances	8	0	0	8
Excise Taxes on Motor Fuels	19	58.6	3	2
<b>Totals</b>	<b>291</b>	<b>8,531.8<sup>††</sup></b>	<b>24</b>	<b>105</b>

<sup>†</sup> This summary does not include the “Government retirement income under Bailey decision” provision.

<sup>††</sup> The sum of the estimates is provided for comparative purposes only. It should not be interpreted as the total gain to state revenue from eliminating all tax expenditures listed in this report. The total impact may be larger or smaller than this amount, depending on the interactions of the various tax expenditures.

The fiscal year 2018-19 Federal income tax expenditures that flow through to North Carolina income taxes are estimated in Appendix A. The estimated values of individual income tax provisions total \$5,109.3 million; the estimates for the corporate income tax provisions total \$81.7 million.

**Table 2****Forty-Five Largest Tax Expenditures in North Carolina in FY 2018-19**

<b>Rank</b>	<b>Tax</b>	<b>Item</b>	<b>Citation (G.S. § 105)</b>	<b>Short Title</b>	<b>FY18-19 estimate (\$ millions)</b>
1	Individual Income Tax	2	153.5(a)(1)	Standard Deduction in Excess of Base Amounts	1,359.1
2	Sales and Use Tax	134	164.13B	Food for Home Consumption	811.9
3	Sales and Use Tax	56	164.13(13)	Prescription Drugs and Insulin for Human Use	708.8
4	Sales and Use Tax	72	164.13(32)	Motor Vehicle Exemption Less Highway Use Tax	689.3
5	Individual Income Tax	10	153.5(b)(3)	Social Security Benefits in Excess of Federal Limit	486.0
6	Individual Income Tax	11	153.5(b)(5)	Government Retirement Income under Bailey Decision	307.7
7	Franchise Tax	3	125(a)(1)	Charitable Nonprofits	259.3
8	Individual Income Tax	3	153.5(a)(2)a	Charitable Contributions Itemized Deduction	253.4
9	Sales and Use Tax	148	164.14(b)	Refunds to Nonprofits	244.9
10	Sales and Use Tax	36	164.13(5e)	Mill Machinery	239.6
11	Sales and Use Tax	108	164.13(61a)a	Service Contracts or RMI Services on Exempt Items	159.8
12	Sales and Use Tax	141	164.13E(6)a	Feeds, Litter and Medications for Farming	159.2
13	Individual Income Tax	7	153.5(a1)	Child Deduction	155.6
14	Sales and Use Tax	102	164.13(57)	Piped Natural Gas Used by Manufacturers	151.6
15	Highway Use Tax	3	187.3(b)	Trade-In Allowance on Sales of Motor Vehicles	141.2

## Introduction

<b>Rank</b>	<b>Tax</b>	<b>Item</b>	<b>Citation (G.S. § 105)</b>	<b>Short Title</b>	<b>FY18-19 estimate (\$ millions)</b>
16	Franchise Tax	16	120.2(b)(1)	Cap for Holding Companies	138.1
17	Taxes on Insurance Premiums	3	228.5(c)(2)	Premiums Received from Annuities	134.9
18	Corporation Income Tax	13	130.5(b)(4) &(4a)	Net Economic Loss Carryforward	118.9
19	Sales and Use Tax	91	164.13(51)	Water Delivered Through Main Pipes	112.2
20	Individual Income Tax	4	153.5(a)(2)b	Qualified Mortgage Interest Itemized Deduction	100.2
21	Sales and Use Tax	101	164.13(57)	Electricity Used by Manufacturers	99.5
22	Sales and Use Tax	150	164.14(c)	Refunds to Certain Local Government Entities	90.8
23	Corporation Income Tax	2	130.4(i)	Phase-in Sales-Only Apportionment Formula	89.8
24	Sales and Use Tax	55	164.13(12)	Durable Medical Equipment	89.6
25	Sales and Use Tax	33	164.13(5b)	Telephone Equipment	87.0
26	Sales and Use Tax	64	164.13(23)a	Packaging Items for Manufacturers	79.7
27	Sales and Use Tax	5	164.3(2c)f	Replacement or Installation of Building-Related System	75.3
28	Sales and Use Tax	15	164.4G(e)(1)	Right to Participate in Sporting Activities	74.5
29	Sales and Use Tax	80	164.13(43)	Custom Computer Software	67.3
30	Sales and Use Tax	111	164.13(61a)d	Services Related to Cleaning of Real Property	65.9
31	Individual Income Tax	6	153.5(a)(2)c	Medical and Dental Expenses Itemized Deduction	65.0

## Introduction

<b>Rank</b>	<b>Tax</b>	<b>Item</b>	<b>Citation (G.S. § 105)</b>	<b>Short Title</b>	<b>FY18-19 estimate (\$ millions)</b>
32	Individual Income Tax	5	153.5(a)(2)b	Property Tax Itemized Deduction	61.6
33	Sales and Use Tax	9	164.3(2c)j	Landscaping	60.2
34	Sales and Use Tax	6	164.3(2c)g	Replacement or Installation of HVAC Systems	49.3
35	Sales and Use Tax	113	164.13(61a)f	Removal of Waste and Debris	46.6
36	Sales and Use Tax	11	164.3(33i)	Installation by Real Property Contractor	46.1
37	Individual Income Tax	8	153.5(b)(1)	N.C. and Nonprofit Education Institution Interest	43.7
38	Sales and Use Tax	137	164.13E(2)	Fertilizers, Seeds and Related Items Sold to a Farmer	33.6
39	Corporation Income Tax	1	130.4(i)	Double-Weighting of Sales Factor in Apportionment Formula	32.2
40	Franchise Tax	1	122(c1)(1)	Higher-Weighting of Sales Factor in Apportionment of Net Worth	31.1
41	Sales and Use Tax	4	164.3(2c)e	Painting and Wallpapering	31.0
42	Corporation Income Tax	12	130.5(b)(3a)	Dividends from Foreign Sources	28.0
43	Excise Tax on Motor Fuels	5	449.88(8)	Sales to County or Municipal Corporation	27.3
44	Sales and Use Tax	7	164.3(2c)h	Replacement or Installation of Pavement, Patios & Decks	26.6
45	Sales and Use Tax	12	164.3(33i)e	Property Monitoring Services	23.9

## Updates to the Tax Expenditure Report Since 2015

This section highlights changes to tax expenditures since the last publication of this report in December 2015. These changes are listed in the following categories:

1. tax expenditures that have been substantively altered
2. tax expenditures that have had their sunset dates extended
3. new tax expenditures that are replacing similar expiring ones
4. new tax expenditures enacted
5. tax expenditures that have expired or been repealed

In several of the entries below, a brief description of the changes to the tax expenditure is provided. For a more complete description, see the annual “Tax Law Changes” publication located on the North Carolina Department of Revenue website.

### Tax Expenditures That Have Been Substantively Altered

1. Standard deduction increased for 2016 & 2017  
 Tax Category: Individual Income Tax  
 Citation: G.S. 105-153.5(a)(1)  
 Description of Changes: For tax year 2016, standard deductions were increased (\$16,500 for MFJ/SS; \$13,200 for Head of Household; \$8,250 for Single or MFS); for tax years beginning on or after Jan. 1, 2017, standard deductions were increased (\$17,500 for MFJ/SS; \$14,000 for Head of Household; \$8,750 for Single or MFS). (S.L. 2016-94)
2. Standard deduction increased for 2019  
 Tax Category: Individual Income Tax  
 Citation: G.S. 105-153.5(a)(1)  
 Description of Changes: For tax years beginning on or after Jan. 1, 2019, standard deductions are increased (\$20,000 for MFJ/SS; \$15,000 for Head of Household; \$10,000 for Single or MFS). (S.L. 2017-57)
3. Restricted exemption for service contract on tax-exempt items  
 Tax Category: Sales & Use Tax  
 Citation: G.S. 105-164.4I(b)(1)  
 Description of Changes: Effective Jan. 1, 2017, this section is amended to explicitly state that the exemption does not apply to water maintained under a service contract for a pool, fish tank, or similar aquatic feature. (S.L. 2016-5)
4. Broader exemption on service contract for motorsports parts  
 Tax Category: Sales & Use Tax  
 Citation: G.S. 105-164.4I(b)(3)  
 Description of Changes: Effective retroactively to Jan. 1, 2014, this section was expanded to exempt items leased or rented and items exempt under G.S. 105-164.13(65) or G.S. 105-164.13(65a). (S.L. 2016-5)
5. Exemption for blood, human tissue, eyes, DNA and organs  
 Tax Category: Sales & Use Tax  
 Citation: G.S. 105-164.13(12)  
 Description of Changes: Effective Aug. 11, 2017, human blood, human tissue, eyes, DNA, and organs were added to the exemption for various medical items. (S.L. 2017-204)

## Report Updates

6. Amended exemption for fuel and piped natural gas sold to a manufacturer  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(57)  
Description of Changes: Effective Jan. 1, 2017, explicitly denies exemption for fuel and piped natural gas that is used solely for comfort heating at a manufacturing facility where there is no use of fuel or piped natural gas in a manufacturing process. (S.L. 2016-5)
7. Amended exemption for prepaid meal plans  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(63)  
Description of Changes: Effective July 11, 2016, exempts packaging items that meet the following requirements: (a) used for packaging, shipment, or delivery of the food and prepared food, (b) constitute a part of the sale of the food and prepared food, (c) delivered with the food and prepared food. (S.L. 2016-92)
8. Park Model RV  
Tax Category: Highway Use Tax  
Citation: G.S. 105-187.1(4)  
Description of Changes: Effective July 1, 2016, the definition of recreational vehicle is amended to include a park model RV. (S.L. 2016-5)

## Extended Sunset Dates

9. Extended sunset for credit for constructing renewable fuel facilities  
Tax Category: Business and Energy Tax Credit  
Citation: G.S. 105-129.16D  
Description of Changes: The sunset date was extended until Jan. 1, 2020 for a taxpayer who meets both the following conditions: (1) the taxpayer signed a letter of commitment with the Dept. of Commerce on or before Sept. 1, 2013, stating taxpayer's intent to construct and place in service in this State a commercial facility for processing renewable fuel; (2) the taxpayer began construction of the facility on or before Dec. 31, 2013. (S.L. 2016-113)

## New Tax Expenditure, Replacing Similar Provision

10. Child deduction  
Tax Category: Individual Income Tax  
Citation: G.S. 105-153.5(a1)  
Effective Date: Jan. 1, 2018. (S.L. 2017-57)  
Effectively replaces an existing child tax credit under G.S. 105-153.10.
11. Exempt purchases of mill machinery  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5e)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.

12. Exempt purchases of major recycling facility equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5f)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
13. Exempt purchases of R&D company equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5g)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
14. Exempt purchases of software publishing company equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5h)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
15. Exempt purchases of industrial machinery refurbishing equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5i)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
16. Exempt purchases of ports facility equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5j)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
17. Exempt purchases of secondary metals recycler equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5k)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
18. Exempt purchases of precious metals extraction equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5l)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.
19. Exempt purchases of large metal fabricator equipment  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5m)  
Effective Date: July 1, 2018. (S.L. 2017-57)  
Effectively replaces a similar exemption for these items that had been taxed under Article 5F.

## Report Updates

### New Tax Expenditure Provisions

20. Exempt real estate indebtedness from tangible property tax base  
Tax Category: Franchise Tax  
Citation: G.S. 105-122(d)  
Effective Date: Jan. 1, 2020 (S.L. 2017-204)  
Reinstates a provision that had previously expired Jan. 1, 2017.
21. Revised tax rate schedule for S corporations  
Tax Category: Franchise Tax  
Citation: G.S. 105-122(d2)  
Effective Date: Tax years beginning on or after Jan. 1, 2019 (S.L. 2017-57)
22. Revised definition of sales for apportionment purposes  
Tax Category: Corporation Income Tax  
Citation: G.S. 105-130.4(a)(7)  
Effective Date: Tax years beginning on or after Jan. 1, 2016 (S.L. 2016-5)  
Receipts from the following are excluded from the definition of sales: (1) financial swaps and other financial derivatives; (2) dividends subtracted under G.S. 105-130.5(b)(3a) & (3b); dividends excluded from federal tax.
23. Air transportation company apportionment  
Tax Category: Corporate Income Tax  
Citation: G.S. 105-130.4(s)  
Effective Date: Tax years beginning on or after Jan. 1, 2016 (S.L. 2016-5)
24. Interest on obligations of a hospital authority created under G.S. 131E-17  
Tax Category: Corporate Income Tax & Individual Income Tax  
Citation: G.S. 105-130.5(b)(1a); G.S. 105-153.5(b)(1)  
Effective Date: March 1, 2016 (S.L. 2015-241)
25. Discharge of Certain Indebtedness  
Tax Category: Corporate Income Tax & Individual Income Tax  
Citation: G.S. 105-130.5(b)(25); G.S. 105-153.5(b)(10)  
Effective Date: Tax years beginning on or after Jan. 1, 2009 (S.L. 2016-5)  
Section 108(i) of the Code allowed a business to cancel debt in 2009 and 2010, but defer paying taxes on the resultant income until a 5-year period beginning in 2014. NC decoupled from this provision. This deduction allows them to remove this amount from their NC taxable income in those future years.
26. Qualified interest expense for an unrelated member  
Tax Category: Corporate Income Tax  
Citation: G.S. 105-130.7B(b)(4)  
Effective Date: Tax years beginning on or after Jan. 1, 2016 (S.L. 2016-5)

27. Right of claim repayment deduction  
Tax Category: Individual Income Tax  
Citation: G.S. 105-153.5(a)(2)d  
Effective Date: Tax years beginning on or after Jan. 1, 2014 (S.L. 2016-5)  
Repayment of income claimed in a prior year can be included in a taxpayer's itemized deductions.
28. Deduction in lieu of a tax credit  
Tax Category: Individual Income Tax  
Citation: G.S. 105-153.5(b)(11)  
Effective Date: Tax years beginning on or after Jan. 1, 2016 (S.L. 2016-5)
29. Personal education savings account deduction  
Tax Category: Individual Income Tax  
Citation: G.S. 105-153.5(b)(12)  
Effective Date: Tax years beginning on or after Jan. 1, 2018 (S.L. 2017-57)
30. Exemptions related to the definition of a capital improvement  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.3(2c)b-k  
Effective Date: January 1, 2017 (S.L. 2017-204)
31. Exemption for monitoring real property  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.3(33i)e  
Effective Date: January 1, 2017 (S.L. 2016-94)
32. A single repair, maintenance and installation services is not a remodel  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.3(33l)d  
Effective Date: January 1, 2017 (S.L. 2016-94)
33. Amended definition of retailer to include repair, maintenance and installation services  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.3(35)  
Effective Date: January 1, 2017 (S.L. 2016-94)
34. Repair, maintenance and installation services on real property are taxable  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.4(a)(16)  
Effective Date: January 1, 2017 (S.L. 2016-94)
35. Admission to event on farmland  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.4G(f)(6)  
Effective Date: January 1, 2014 (S.L. 2017-204)

## Report Updates

36. Service contract for a wastewater system  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.4I(c)(2)  
Effective Date: January 1, 2014 (S.L. 2017-204)
37. Ready-mix concrete mill parts exemption  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5n)  
Effective Date: July 1, 2018 (S.L. 2017-57)
38. Large fulfillment facility equipment exemption  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(5o)  
Effective Date: July 1, 2017 (S.L. 2017-57)
39. Food sold not for profit related to a school  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(26b)  
Effective Date: Jan. 1, 2017 (S.L. 2016-5)
40. Fuel, electricity and piped natural gas to a secondary metals recycler  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(57a)  
Effective Date: July 1, 2016 (S.L. 2016-94)
41. Exemptions for various repair, maintenance and installation services  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(61a)a-1  
Effective Date: Jan. 1, 2017 (S.L. 2016-94)
42. Expansion of exemption for repair, maintenance and installation services for aircraft  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(61a)m.3  
Effective Date: July 1, 2019 (S.L. 2017-204)
43. Exemption for funeral-related services  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(61a)n  
Effective Date: Jan. 1, 2017 (S.L. 2017-204)
44. Exemption for services performed on animals  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(61a)o  
Effective Date: Jan. 1, 2017 (S.L. 2017-204)

45. Exemption for installation charges purchased by a real property contractor  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(61c)  
Effective Date: Jan. 1, 2017 (S.L. 2016-94)
46. Exemption for installation charges related to real property contracts  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(61d)  
Effective Date: Jan. 1, 2017 (S.L. 2016-94)
47. Exemption for storage of a motor vehicle  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(66)  
Effective Date: Jan. 1, 2017 (S.L. 2016-94)
48. Exemption for towing services  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(67)  
Effective Date: Jan. 1, 2017 (S.L. 2016-94)
49. Exemption for wastewater dispersal system items  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(68)  
Effective Date: Oct. 1, 2016 (S.L. 2016-94; S.L. 2017-139)
50. Exemption for sales of coins, currency and bullion  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13(69)  
Effective Date: July 1, 2017 (S.L. 2017-181)
51. Exemption for repairs, maintenance and installation services to farmers  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13E(a)(10)  
Effective Date: Jan. 1, 2017 (S.L. 2016-94)
52. One-year extension of conditional farmer exemption for weather-related disasters  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.13E(b)  
Effective Date: Jan. 1, 2017 (S.L. 2017-108)
53. Refund for transformative project  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-164.14A(a)(8)  
Effective Date: July 1, 2017 (S.L. 2017-57)

## Report Updates

54. Exemption limitation for vehicles licensed out-of-state  
Tax Category: Highway Use Tax  
Citation: G.S. 105-187.6(d)  
Effective Date: June 28, 2017 (S.L. 2017-69)
55. No tax credits for additional rate on property coverage contracts  
Tax Category: Sales & Use Tax  
Citation: G.S. 105-228.5(d)3  
Effective Date: Jan. 1, 2017 (S.L. 2017-204)  
The additional tax imposed on property coverage contracts is a special purpose assessment based on gross premiums and not a gross premiums tax. For tax years beginning on or after Jan. 1, 2017, no renewable energy credits are allowed against this assessment.
56. Exemption for hospital authority created under G.S. 131E-17  
Tax Category: Motor Fuels Tax  
Citation: G.S. 105-449.88(10)  
Effective Date: May 11, 2016 (S.L. 2016-5)

## Repealed and Expired Tax Expenditures

57. Credit for investing in renewable energy property  
Tax Category: Business and Energy Tax Credits  
Citation: G.S. 129.16A  
Repeal Effective Date: May 5, 2017  
Description: If a taxpayer that had constructed, purchased, or leased renewable energy property placed it in service in this State, the taxpayer is allowed a credit equal to 35% of the cost of the property. Certain limits on the credit applied. The provision was repealed for installations placed in service on or after Jan. 1, 2016, with certain exceptions through May 5, 2017.
58. Credit for donations to a nonprofit to acquire renewable energy property  
Tax Category: Business and Energy Tax Credits  
Citation: G.S. 129.16H  
Repeal Effective Date: May 5, 2017  
Description: A taxpayer who donated money to a nonprofit organization or a unit of State or local government was allowed a credit if the funds were used by the donee to construct, purchase, or lease renewable energy property. The taxpayer could claim a tax credit equivalent to that given under G.S. 105-129.16A.
59. Credit for North Carolina research and development  
Tax Category: Article 3F – Research and Development  
Citation: G.S. 105-55  
Repeal Effective Date: Jan. 1, 2016  
Description: A taxpayer that had qualified North Carolina research expenses was eligible for a tax credit from 1.25% to 3.25% of the qualifying expenses. A credit of 20% was available for research at a NC university. This provision sunsetted Jan. 1, 2016.

60. Eugenics Sterilization Compensation Fund deduction  
Tax Category: Individual Income Tax  
Citation: G.S. 105-153.5(b)(9)  
Repeal Effective Date: Tax years beginning on or after Jan. 1, 2016  
Description: This provision allowed a deduction for the amount paid to a taxpayer during the taxable year from the Eugenics Sterilization Compensation Fund.
  
61. Machinery at a large manufacturing & distribution facility  
Tax Category: Sales & Use Tax via Article 5F  
Citation: G.S. 105-187.51D  
Repeal Effective Date: July 1, 2018  
Description: This provision exempted purchases of machinery, parts and accessories for a large manufacturing and distribution facility by taxing these items under Article 5F, which imposed a tax at a preferential rate of 1%, with a maximum tax per article of \$80.

## Privilege Taxes

### Privilege Taxes (Article 2)

#### Tax Base Information

Privilege taxes are imposed for the privilege of carrying on business or doing a remunerative act within the State. Privilege taxes on corporations are discussed under the “franchise tax” article.

Privilege tax bases are as follows:

- a license fee of \$50 for attorneys-at-law and other professionals
- a tax of 0.277% of the face value of installment paper
- a fee of \$250 per location at which business is conducted by loan agencies, including check cashing businesses and pawn brokers.

A privilege tax on banks was repealed effective July 1, 2016 and a tax on publishers of newsprint publications was repealed effective Oct. 26, 2015.

In Fiscal Year 2016-17, approximately \$29.8 million was collected from this tax, net of refunds.

#### Exemptions from license fee of \$50 for attorneys-at-law and other professionals

**1. Professionals at Least 75 Years Old**

**Citation:** G.S. 105-41(b)(1)

**Description:** Exemption from license fee for attorneys or other professionals who are at least 75 years old.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** less than \$0.1

**Data Source:** Relevant privilege tax collections for FY16-17 and share of affected group in workforce

**2. Individuals Practicing Art of Healing**

**Citation:** G.S. 105-41(b)(2)

**Description:** Exemption from license fee for individuals who practice the art of healing for a fee, if the person is an adherent of an established church or religious organization and confines the healing practice to prayer or spiritual means.

**Enacting Legislation:** S.L. 1957-1064

**Estimate (in millions):** less than \$0.1

**Data Source:** Derived from Department of Revenue list of licenses

**3. Blind Individuals**

**Citation:** G.S. 105-41(b)(3)

**Description:** Exemption from license fee for blind persons engaging in a trade or profession as a sole proprietor. The exemption shall not extend to a sole proprietor who permits more than 1 person other than himself/herself to work regularly for recompense of any kind, unless the additional persons are blind.

**Enacting Legislation:** S.L. 1998-95 - effective July 1, 1999

**Estimate (in millions):** less than \$0.1

**Data Source:** Relevant privilege tax collections for FY16-17 and share of affected group in workforce

## Tobacco Tax

### Tobacco Products Tax (Article 2A)

#### Tax Base Information

A cigarette tax is levied on the sale or possession for sale in this State, by a distributor, of all cigarettes. Other tobacco products are taxed when a wholesale dealer or retail dealer first acquires or otherwise handles the products subject to the tax.

As of Sept. 1, 2009, the tax rate on a 20-pack of cigarettes is 45¢ and the tax rate on other tobacco products is 12.8% of the cost price.

A tax on vapor products at a rate of 5¢ per fluid milliliter of consumable product became effective June 1, 2015.

During Fiscal Year 2016-17, approximately \$292.2 million was collected from this tax, net of refunds.

#### Tax Expenditures

**1. Discount for Timely Reports -- Cigarettes**

**Citation:** G.S. 105-113.21(a1)

**Description:** A distributor who files a timely report and sends a timely payment may deduct from the amount due a discount of 2%. The current statute states that "(t)his discount covers expenses incurred in preparing the records and reports required by this Part, and the expense of furnishing a bond."

**Enacting Legislation:** S.L. 2004-84 - effective for reporting periods beginning on or after August 1, 2004; there was a 4% discount prior to August 1, 2003 (S.L. 1969-1075).

**Estimate (in millions):**    FY17-18..... \$5.1            FY18-19..... \$5.1

**Data Source:** Department of Revenue tax data

**2. Refund for Unsalable Cigarettes**

**Citation:** G.S. 105-113.21(b)

**Description:** Refund for unsalable cigarettes upon which the tax has been paid.

**Enacting Legislation:** S.L. 1993-442

**Estimate (in millions):**    FY17-18..... \$0.1            FY18-19..... \$0.1

**Data Source:** Department of Revenue tax data

**3. Sample Tobacco Products**

**Citation:** G.S. 105-113.35(a)(3)

**Description:** The tax does not apply to a sample tobacco product distributed without charge.

**Enacting Legislation:** S.L. 1991-689 – effective Jan. 1, 1992 (this act created the tax on other tobacco products)

**Estimate (in millions):** Unavailable

**Data Source:** Department of Revenue tax data

**4. Discount for Timely Reports -- Other Tobacco Products**

**Citation:** G.S. 105-113.39(a)

**Description:** A wholesale dealer or retail dealer who files a timely report and sends a timely payment may deduct from the amount due a discount of 2%. This discount does not apply to taxes paid on vapor products.

**Enacting Legislation:** S.L. 2004-84 - effective for reporting periods beginning on or after August 1, 2004; there was a 4% discount prior to August 1, 2003.

**Estimate (in millions):** FY17-18..... \$0.9            FY18-19..... \$0.9

**Data Source:** Department of Revenue tax data

**5. Refund for Unsalable Tobacco Products**

**Citation:** G.S. 105-113.39(b)

**Description:** A wholesale dealer or retail dealer in possession of stale or otherwise unsalable tobacco products upon which the tax has been paid may return the tobacco products to the manufacturer and apply to the Secretary for refund of the tax.

**Enacting Legislation:** S.L. 2005-406 - effective Sept. 1, 2005

**Estimate (in millions):** less than \$0.1

**Data Source:** Department of Revenue tax data

## Alcoholic Beverage License and Excise Taxes

### Alcoholic Beverage License and Excise Taxes (Article 2C)

#### Tax Base Information

Excise taxes are levied on beer and wine based on volume; excise taxes are levied on liquor sold by ABC stores based on price. These excise taxes are in addition to sales & use tax, as well as other charges on sales of liquor.

As of Sept. 1, 2009, the tax on beer is 61.71¢ per gallon; the tax on unfortified wine is 26.34¢ per liter; the tax on fortified wine is 29.34¢ per liter; the tax on liquor is 30% of the sum of the distiller's price, the State ABC warehouse freight and bailment charges, and a markup for local ABC boards.

During Fiscal Year 2016-17, \$393.2 million was collected from this tax, net of refunds. Of this amount, \$39.5 million was distributed to local governments.

#### Tax Expenditures

**1. Beer and Wine Destroyed by a Major Disaster**

**Citation:** G.S. 105- 113.81(a)

**Description:** Excise taxes are not required to be paid on malt beverages or wine rendered unsalable by a major disaster.

**Enacting Legislation:** S.L. 1967-759 - effective Jan. 1, 1968; this provision was enacted as G.S. 18-81(i)

**Estimate (in millions):** Unavailable

**2. Beer and Wine for Oceangoing Vessels**

**Citation:** G.S. 105- 113.81(b)

**Description:** Excise taxes are not required to be paid on malt beverages or wine sold and delivered for use on oceangoing vessels. Sales made to officers, agents, crewmen, or passengers for their personal use are not exempt.

**Enacting Legislation:** S.L. 1963-992

**Estimate (in millions):** Unavailable

**3. Brewery and Winery Tastings**

**Citation:** G.S. 105- 113.81(e)

**Description:** Resident breweries and wineries are not required to remit excise taxes on malt beverages and wine given free of charge to customers, visitors, and employees on the manufacturer's licensed premises for consumption on those premises.

**Enacting Legislation:** S.L. 1985-114 - effective April 23, 1985

**Estimate (in millions):** Unavailable

**4. Discount for Timely Reports**

**Citation:** G.S. 105-113.85

**Description:** A wholesaler or importer who files a timely report and sends a timely payment may deduct from the amount due a discount of 2%. The current statute states that "(t)his discount covers losses due to spoilage and breakage, expenses incurred in preparing the records and reports required by this Article, and the expense of furnishing a bond."

**Enacting Legislation:** S.L. 2004-84 - effective for reporting periods beginning on or after August 1, 2004; there was a 4% discount prior to August 1, 2003 (S.L. 1969-1239)

**Estimate (in millions):**    FY17-18..... \$3.1            FY18-19..... \$3.2

**Data Source:** Department of Revenue tax data

**5. Sacramental Wine**

**Citation:** G.S. 105-113.87(a)

**Description:** Refund for wine used for sacramental purposes.

**Enacting Legislation:** S.L. 1945-708 - this provision was enacted as G.S. 18-88.1

**Estimate (in millions):** less than \$0.1

**Data Source:** Department of Revenue tax data

## Franchise Tax

### Franchise Tax (Article 3)

#### Brief Description and Tax Base Information

The general business franchise tax is a privilege tax on corporations operating in North Carolina. The tax is currently \$1.50 for every \$1,000 of the largest of the following three measures:

1. the total amount of net worth
2. the net book value of investment in real and tangible property in the State
3. 55% of the appraised value of real and tangible property in the State

For corporations doing business both in and outside North Carolina, the share of net worth apportioned to North Carolina is calculated by the same method used for the corporation income tax: the average of the corporation's shares of property, payroll and sales, with the sales factor double-weighted.

The use of net worth as one of the bases became effective for taxes due on or after Jan. 1, 2017. Prior to this period, the base was a computation of the capital stock, surplus and undivided profits of the corporation.

Effective for taxes due on or after Jan. 1, 2017, the minimum franchise tax is \$200. Prior to that period, the minimum franchise tax is \$35.

Effective for taxable years beginning on or after Jan. 1, 2019, the tax rate on S corporations is \$200 on the first \$1 million of the corporation's tax base and \$1.50 for every \$1,000 of the tax base in excess of \$1 million.

Effective April 1, 2017, for taxes due on or after that date, the tax on mutual burial associations under this article is repealed.

In Fiscal Year 2016-17, North Carolina collected approximately \$753.7 million in business franchise taxes, net of refunds.

#### Exemptions

**1. Higher-Weighting of Sales Factor in Apportionment of Net Worth**

**Citation:** G.S. 105-122(c1)(1)

**Description:** A corporation that is subject to income tax must apportion its net worth by using the fraction it applies in apportioning its income for income tax purposes. (For purposes of calculating this tax expenditure, the tax law base is a 3-factor apportionment with equal weights)

**Enacting Legislation:** S.L. 1988-994 - effective for tax years beginning on or after Jan. 1, 1989

**Estimate (in millions):** FY17-18..... \$24.2      FY18-19..... \$31.1

**Data Source:** Department of Revenue tax data

**2. Tax Rate Schedule for S Corporations****Citation:** G.S. 105-122(d2)**Description:** For an S corporation, the tax rate is \$200 for the first \$1 million of the corporation's tax base and \$1.50 per \$1,000 of its tax base that exceeds \$1 million.**Enacting Legislation:** S. L. 2017-57 - effective for taxable years beginning on or after Jan. 1, 2019**Estimate (in millions):** FY17-18..... \$0            FY18-19..... \$12.5**Data Source:** Department of Revenue tax data**Note:** The full cost for Tax Year 2019 is estimated to be \$20.9 million, but 40% of this is estimated to be collected in FY19-20.**3. Charitable Nonprofits****Citation:** G.S. 105-125(a)(1)**Description:** Charitable, religious, fraternal, benevolent, scientific or educational nonprofit.**Enacting Legislation:** S.L. 1939-158**Estimate (in millions):** FY17-18..... \$247.0            FY18-19..... \$259.3**Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)**4. Local Mutual Nonprofits****Citation:** G.S. 105-125(a)(3)**Description:** Mutual ditch or irrigation association, mutual or cooperative telephone association, mutual canning association, cooperative breeding association or similar corporation of a purely local character deriving receipts solely from assessments, dues, or fees collected from members for the sole purpose of meeting expenses.**Enacting Legislation:** S.L. 1955-1313**Estimate (in millions):** FY17-18..... \$10.4            FY18-19..... \$10.8**Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)**5. Cooperative Marketing Associations****Citation:** G.S. 105-125(a)(4)**Description:** Cooperative marketing associations that operate solely for the purpose of marketing the products of members or other farmers and returns proceeds of sales to members and farmers, less operating costs.**Enacting Legislation:** S.L. 1955-1313**Estimate (in millions):** FY17-18..... \$1.0            FY18-19..... \$1.0**Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

Franchise Tax

**6. Production Credit Association**

**Citation:** G.S. 105-125(a)(5)

**Description:** Nonprofit production credit association organized under federal Farm Credit Act of 1933.

**Enacting Legislation:** S.L. 1963-601

**Estimate (in millions):** FY17-18..... \$1.1      FY18-19..... \$1.1

**Data Source:** Based on capital stock and retained earnings of the three farm credit associations in North Carolina

**7. Nonprofit Clubs**

**Citation:** G.S. 105-125(a)(6)

**Description:** Clubs organized and operated exclusively for pleasure, recreation, or other nonprofit purposes, a civic league operated solely for the promotion of social welfare, a business league, or a board of trade.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** FY17-18..... \$7.2      FY18-19..... \$7.6

**Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

**8. Chambers of Commerce**

**Citation:** G.S. 105-125(a)(7)

**Description:** Chamber of commerce or merchants' association, not organized for profit.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** FY17-18..... \$3.2      FY18-19..... \$3.4

**Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

**9. Homeowners' Associations**

**Citation:** G.S. 105-125(a)(8)

**Description:** Condominium association, homeowners' association, or cooperative housing corporation not organized for profit.

**Enacting Legislation:** S.L. 1975-591 - effective for taxable years beginning on or after Jan. 1, 1975

**Estimate (in millions):** FY17-18..... \$2.1      FY18-19..... \$2.2

**Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS).

**10. Miscellaneous Nonprofits****Citation:** G.S. 105-125(a)(9)**Description:** Other organizations exempt from federal income tax under the Code.**Enacting Legislation:** S.L. 1983-713 - effective for taxable years beginning on or after Jan. 1, 1983**Estimate (in millions):** FY17-18..... \$5.1      FY18-19..... \$5.5**Data Source:** Estimate for state-chartered credit unions from NC Department of Commerce, Credit Union Division Annual Report (2016).**11. Real Estate Mortgage Investment Conduits****Citation:** G.S. 105-125(a)**Description:** An entity that qualifies as a real estate mortgage investment conduit, as defined in section 860D of the Code, is exempt from franchise taxes.**Enacting Legislation:** S.L. 1993-494 - effective for taxable years beginning on or after Jan. 1, 1993**Estimate (in millions):** Unavailable**Deductions****12. Deduction from Net Worth for Depreciation, Depletion and Amortization****Citation:** G.S. 105-122(b)(1)**Description:** A deduction for accumulated depreciation, depletion, and amortization as determined in accordance with the method used for federal tax purposes.**Enacting Legislation:** S.L. 2015-241 – effective Jan. 1, 2017; a similar provision had existed under the “capital stock, surplus, and undivided profits” base (S.L. 1939-158)**Estimate (in millions):** Unavailable**13. Deduction from Property Investment for Expenses Related to Purchases of Real Estate****Citation:** G.S. 105-122(d)**Description:** Deduction from tangible property investments of reserves for depreciation and any indebtedness incurred by virtue of the purchase of any real estate and any improvements.**Enacting Legislation:** S. L. 1947-501; repealed by S. L. 2015-241, effective for tax years beginning Jan. 1, 2017; reinstated by S. L. 2017-204, effective for tax years beginning Jan. 1, 2020**Estimate (in millions):** FY17-18..... \$0      FY18-19..... \$0**Note:** Based on Department of Revenue tax data, the cost of this provision in future years would be approximately \$10 million annually.

## Franchise Tax

### 14. Real Estate Investment Trusts and Regulated Investment Corporations

**Citation:** G.S. 105-125(b)

**Description:** A regulated investment company or a non-captive REIT may deduct the aggregate market value of its investments in the stocks, bonds, debentures, or other securities or evidences of debt of other corporations, partnerships, individuals, municipalities, governmental agencies, or governments.

**Enacting Legislation:** S.L. 1951-937 - for regulated investment companies; S.L. 1971-820 - added REITs

**Estimate (in millions):** Unavailable

## Tax Credits

### 15. Tax Credit for LLCs Subject to Franchise Tax

**Citation:** G.S. 105-122.1

**Description:** Limited liability companies that are subject to the franchise tax are allowed a credit for the difference between the annual reporting fee for LLCs (\$200) and the annual reporting fee for other corporations (\$18 for electronic copy, \$25 for paper copy). The amount of the credit cannot exceed the LLC's franchise tax liability for the year.

**Enacting Legislation:** S.L. 2006-66 – effective Jan. 1, 2007 (tax year 2006 returns). Prior to this, all LLCs were exempt from the franchise tax, but paid the higher reporting fee.

**Estimate (in millions):** FY17-18..... \$0.9      FY18-19..... \$0.9

**Data Source:** Department of Revenue C-corporation and S-corporation databases

## Caps

### 16. Cap for Holding Companies

**Citation:** G.S. 105-120.2(b)(1)

**Description:** Maximum tax of \$150,000 for holding companies. A holding company is any corporation which receives during its taxable year more than 80% of its gross income from corporations in which it owns directly or indirectly more than 50% of the outstanding voting stock.

**Enacting Legislation:** S.L. 1975-130 - effective Jan. 1, 1976; S.L. 2015-241 increased the maximum from \$75,000, effective for taxes due on or after Jan. 1, 2017.

**Estimate (in millions):** FY17-18..... \$135.3      FY18-19..... \$138.1

**Data Source:** Department of Revenue C-corporation and S-corporation databases

**Note:** Approximately 90 companies were subject to this cap in tax year 2014.

## Corporation Income Tax (Article 4, Part 1)

### Brief Description and Tax Base Information

The corporation income tax is a tax on the net income of every domestic C corporation and of every foreign C corporation doing business in North Carolina.

Exclusions and exemptions under federal law are generally passed through to North Carolina in order to determine taxable income. There are, however, a number of additions to federal taxable income; significant among these additions are (1) taxes paid on net income, (2) interest from obligations of other states and their political subdivisions, (3) net operating loss carryforwards, (4) domestic production activities deduction, (5) expenses related to non-taxed income, and (6) royalty payments paid to related entities.

A dividends-received deduction is considered necessary for determining the corporate income tax base, as it avoids multiple layers of taxation on dividends that are passed between related corporate entities. The state dividends-received deduction conforms to the federal provision, with the exception that expenses related to the exempt dividends must be added to North Carolina taxable income.

For certain nonprofit organizations, such as charities, exemption from the corporate income tax is not considered a tax expenditure because promoting public welfare is central to their operations, and these entities are still taxed on their unrelated business activities. Also, certain nonprofit cooperative business organizations, such as trade associations, are excluded because their profits are distributed to members. These exemptions from the tax base are similar to those used by the Joint Committee on Taxation in preparing their list of federal tax expenditures.

The following chart shows the tax rates in effect during the relevant period covered by this report:

<b>Taxable year beginning in</b>	<b>Tax Rate</b>
<b>2014</b>	6.0%
<b>2015</b>	5.0%
<b>2016</b>	4.0%
<b>2017, 2018</b>	3.0%
<b>2019 &amp; later</b>	2.5%

G.S. 105-130.5(a)(10) requires corporations to add the amount of most credits taken to their taxable income. The estimates of tax credits in this section were adjusted for this provision.

In Fiscal Year 2016-17, North Carolina collected approximately \$757.3 million in corporate income taxes, net of refunds.

## Corporation Income Tax

### Exemptions

#### 1. Double-Weighting of Sales Factor in Apportionment Formula

**Citation:** G.S. 105-130.4

**Description:** For most corporations, business income is apportioned to North Carolina based on the share of (1) payroll, (2) property, & (3) sales in North Carolina. However, the sales factor is double-weighted. (For purposes of calculating this tax expenditure, the tax law base is a 3-factor apportionment with equal weights.)

**Enacting Legislation:** S.L. 1988-994 - effective for tax years beginning on or after January 1, 1989

**Estimate (in millions):** FY17-18..... \$32.8      FY18-19..... \$32.2

**Data Source:** Department of Revenue tax data

**Note:** There are several types of companies that do not use the double-weighted sales factor to calculate their apportionment percentage. These include building or construction contractors, several types of financial companies, motor carriers, public utilities, railroad companies, and corporations that receive more than 50% of their income from intangible property.

#### 2. Phase-In of Sales-Only Apportionment Formula

**Citation:** G.S. 105-130.4(s1)

**Description:** For tax years beginning in 2016, the sales factor is weighted three times; for tax years beginning in 2017, the sales factor is weighted four times; for tax years beginning on or after 2018, the apportionment factor is equal to the sales factor only.

**Enacting Legislation:** S.L. 2015-241

**Estimate (in millions):** FY17-18..... \$55.0      FY18-19..... \$89.8

**Data Source:** Department of Revenue tax data; Legislative fiscal note for HB 117 (2015)

**Note:** The estimate includes the impact on pass-through entities that are required to apportion.

#### 3. Air Transportation Company Apportionment

**Citation:** G.S. 105-130.4(s)

**Description:** A qualified air freight forwarder may use the revenue ton miles of an affiliated air carrier for purposes of apportioning its income to North Carolina.

**Enacting Legislation:** S. L. 2016-5 - effective for tax years beginning on or after Jan. 1, 2016

**Estimate (in millions):** Unavailable

**4. Fraternal Beneficiary Societies**

**Citation:** G.S. 105-130.11(a)(1)

**Description:** Exemption for fraternal beneficiary societies, orders or associations (a) operating under the lodge system or providing benefits to members of a lodge system and (b) providing for the payment of life, sick, accident, or other benefits of the organization or their dependents.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** less than \$0.1

**Data Source:** National Center for Charitable Statistics; "Charities and Other Tax-Exempt Organizations, 2010," Statistics on Income, IRS

**Note:** Based on data for IRC 501(c)(8) organizations

**5. Certain Cooperative Companies**

**Citation:** G.S. 105-130.11(a)(2)

**Description:** Exemption for nonprofit cooperative banks without capital stock and electric and telephone membership corporations organized under Chapter 117 of the General Statutes.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** FY17-18..... \$1.9      FY18-19..... \$1.7

**Data Source:** National Center for Charitable Statistics; "Charities and Other Tax-Exempt Organizations, 2010," Statistics of Income, IRS

**Note:** Based on data for IRC 501(c)(14) organizations

**6. Nonprofit Clubs**

**Citation:** G.S. 105-130.11(a)(6)

**Description:** Exemption for nonprofit clubs organized and operated exclusively for pleasure, recreation, and other non-profitable purposes.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** FY17-18..... \$0.3      FY18-19..... \$0.3

**Data Source:** National Center for Charitable Statistics; "Charities and Other Tax-Exempt Organizations, 2010," Statistics of Income, IRS

**Note:** Based on data for IRC 501(c)(7) organizations

## Corporation Income Tax

### 7. Local Mutual Nonprofits

**Citation:** G.S. 105-130.11(a)(7)

**Description:** Exemption for farmers' or other mutual hail, cyclone, or fire insurance companies, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations of a purely local nature.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** less than \$0.1

**Data Source:** Data on county farm mutual insurance companies, NC Department of Insurance; Department of Revenue tax data

### 8. Insurance Companies Taxed on Gross Premiums

**Citation:** G.S. 105-130.11(a)(11)

**Description:** Exemption for insurance companies paying the tax on gross premiums as specified in G.S. 105-228.5.

**Estimate (in millions):** FY17-18..... \$0.0      FY18-19..... \$0.0

**Data Source:** IRS Statistics of Income; Department of Revenue tax data

**Note:** The estimate is the amount of income tax that is estimated to be collected in excess of the amount of collections under the insurance gross premiums tax.

### 9. Homeowners' Associations

**Citation:** G.S. 105-130.11(a)(11)

**Description:** Exemption for nonprofit condominium associations, homeowners' associations, or cooperative housing corporation, although they are subject to tax on any unrelated business income.

**Enacting Legislation:** S.L. 1975-591 - effective for taxable years beginning on or after Jan. 1, 1975

**Estimate (in millions):** FY17-18..... \$0.3      FY18-19..... \$0.3

**Data Source:** National Center for Charitable Statistics; "Charities and Other Tax-Exempt Organizations, 2010," Statistics of Income, IRS

### 10. Nonprofit Unrelated Business Income from Research Activities

**Citation:** G.S. 105-130.11(b)

**Description:** Entities that are exempt in G.S. 105-130.11(a) are taxable on their unrelated business income, except if their net income is derived from certain research activities.

**Enacting Legislation:** S.L. 1963-1169 - effective for taxable years beginning on or after Jan. 1, 1963

**Estimate (in millions):** Unavailable

**Deductions**

**11. N.C. & Nonprofit Educational Institution Obligation Interest**

**Citation:** G.S. 105-130.5(b)(1a)

**Description:** Deductions for interest on the obligations of this State, a political subdivision of this State, or a commission, an authority, or another agency of this State or of a political subdivision of this State, or a nonprofit educational institution.

**Enacting Legislation:** S.L. 1997-439 - effective for taxable years beginning on or after January 1, 1997. However, this was not a substantive change since interest has been exempt from income taxation under other long-standing statutes, e.g. G.S. 142.12.

**Estimate (in millions):** FY17-18..... \$0.7      FY18-19..... \$0.7

**Data Source:** IRS Statistics of Income; Department of Revenue tax data

**12. Dividends from Foreign Sources**

**Citation:** G.S. 105-130.5(b)(3a)

**Description:** Deduction for dividends treated as received from sources outside the United States as determined under Section 862 of the Code, net of related expenses, to the extent included in federal taxable income.

**Enacting Legislation:** S.L. 2001-327

**Estimate (in millions):** FY17-18..... \$28.8      FY18-19..... \$28.0

**Data Source:** “Estimates of Federal Tax Expenditures for Fiscal Years 2016-20,” Joint Committee on Taxation

**Note:** The estimate is based on the expense addback that is foregone due to U.S. corporations delaying repatriation of dividends from controlled foreign subsidiaries.

**13. Subpart F and Section 78 Gross-Up Dividends**

**Citation:** G.S. 105-130.5(b)(3b)

**Description:** Deduction for any amount included in federal taxable income under section 78 or section 951 of the Code, net of related expenses.

**Enacting Legislation:** S.L. 2001-327

**Estimate (in millions):** Unavailable

**14. Net Economic Loss Carryforward**

**Citation:** G.S. 105-130.5(b)(4)

**Description:** Deduction for net economic losses in any or all of the 15 preceding income years, pursuant to the provisions of G.S. 105-130.8A. For new losses in taxable years starting on or after Jan. 1, 2015, the net economic loss is redefined as State net loss and becomes a static amount. Any unused portion of a State net loss carried forward will not have to be first offset by nontaxable income in the future tax year.

**Enacting Legislation:** S.L. 1939-158; S.L. 2014-3 includes the change to State net loss

**Estimate (in millions):** FY17-18..... \$121.7      FY18-19..... \$118.9

**Data Source:** Department of Revenue tax data

## Corporation Income Tax

### 15. Net Capital Losses Not Deductible from Federal Taxable Income

**Citation:** G.S. 105-130.5(b)(8)

**Description:** Deduction for the amount of losses realized on the sale or disposition of assets not allowed under section 1211(a) of the Code. (For federal taxes, certain capital losses can only be used to offset capital gains; however, they can be carried back 3 years and forward 5 years.)

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** Unavailable

### 16. Shareholders of a Regulated Investment Company

**Citation:** G.S. 105-130.5(b)(9)

**Description:** Deduction of the portion of undistributed capital gains of a regulated investment company for which a shareholder in the company takes a federal credit or deduction under Section 852 of the Code.

**Enacting Legislation:** S.L. 1971-820 - effective for taxable years beginning on or after Jan. 1, 1971

**Estimate (in millions):** Unavailable

### 17. Basis Adjustment for Federal Tax Credit

**Citation:** G.S. 105-130.5(b)(14)

**Description:** Deduction for the amount that the basis of a depreciable asset is reduced due to a Federal tax credit or because of a grant allowed under section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

**Enacting Legislation:** S.L. 1983-61 - effective for taxable years beginning on or after Jan. 1, 1983

**Estimate (in millions):** Unavailable

### 18. Natural Gas Expansion Surcharges

**Citation:** G.S. 105-130.5(b)(16)

**Description:** Deduction for the amount of natural gas expansion surcharges collected by a natural gas local distribution company.

**Enacting Legislation:** S.L. 1991-598 - effective July 8, 1991

**Estimate (in millions):** less than \$0.1

**Data Source:** North Carolina Utilities Commission; Department of Revenue tax data

**19. 911 Charges**

**Citation:** G.S. 105-130.5(b)(17)

**Description:** To the extent included in federal taxable income, 911 charges imposed under G.S. 62A-43 and remitted to the 911 Fund under that section.

**Enacting Legislation:** S.L. 1998-158, as amended by S.L. 1999-337 - effective Sept. 25, 1998

**Estimate (in millions):** less than \$0.1

**Data Source:** Department of Revenue tax data

**20. Dividends from Captive REIT**

**Citation:** G.S. 105-130.5(b)(23)

**Description:** Deduction for a dividend received from a captive REIT, as defined in G.S. 105-130.12.

**Enacting Legislation:** S.L. 2007-323 - effective for taxable years beginning on or after Jan. 1, 2007

**Estimate (in millions):** no net negative impact; see note

**Note:** This deduction is offset by G.S. 105-130.5(a)(19). A captive REIT must add to its taxable income any dividends paid to shareholders. Therefore, this deduction is needed to avoid double taxation, and no revenue is lost to the State.

**21. Deferred Cancellation of Indebtedness**

**Citation:** G.S. 105-130.5(b)(25)

**Description:** Deduction for the amount added to federal taxable income as deferred income under section 108(i)(1) of the Code. This deduction applies to taxable years beginning on or after Jan. 1, 2014.

**Enacting Legislation:** S.L. 2009-451

**Estimate (in millions):** no net negative impact; see note

**Note:** This deduction is offset by G.S. 105-130.5(a)(21), which requires the addition to taxable income for the amount deferred under section 108(i) of the Code, effective for taxable years beginning on or after Jan. 1, 2009.

## Corporation Income Tax

### 22. Bonus Depreciation and Expensing Adjustment

**Citation:** G.S. 105-130.5(b)(27)

**Description:** The Code has allowed bonus depreciation allowances and expanded Section 179 expensing for certain years between 2002 and 2014. North Carolina has decoupled from these provisions by having taxpayers add back a percentage of the federal deduction in each year and allowing taxpayers to deduct the addback over a period of 5 years in the future.

**Enacting Legislation:** S.L. 2002-126 was the first provision related to bonus depreciation addbacks; S.L. 2011-5 added the provision related to the addback for section 179 expensing

**Estimate (in millions):** no net negative impact; see note

**Note:** This deduction is offset by the required addition to taxable income in G.S. 105-130.5(a)(24). The net impact is to shift the lost revenue into future years. Thus, there is likely to be a positive impact on the present value of State revenues.

### 23. Qualified Interest Expense Ultimately Paid to an Unrelated Member

**Citation:** G.S. 105-130.7B(b)(4)

**Description:** Interest deduction for a portion of a corporation's related member interest expense that represents its proportional share of amounts of interest traceable through related members and ultimately paid to an unrelated party.

**Enacting Legislation:** S. L. 2016-5 - effective for tax years beginning on or after Jan. 1, 2016

**Estimate (in millions):** Unavailable

### 24. Percentage Depletion over Cost Depletion

**Citation:** G.S. 105-130.5(a)(11)

**Description:** Allowance for percentage depletion over cost depletion for solid minerals or rare earths extracted from the soil or waters of this State.

**Enacting Legislation:** S.L. 1983-713 - effective for taxable years beginning on or after Jan. 1, 1983.

**Estimate (in millions):** FY17-18..... \$3.2      FY18-19..... \$3

**Data Source:** Department of Revenue tax data

**25. Charitable Contributions Outside N.C.**

**Citation:** G.S. 105-130.9(1)

**Description:** Deduction for charitable contributions. The amount of deduction for this item may not exceed 5% of the taxpayer's net income. Contributions made to out-of-state donees are multiplied by the taxpayer's apportionment factor.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** FY17-18..... \$4.9      FY18-19..... \$4.8

**Data Source:** Department of Revenue tax data

**Note:** This estimate includes only contributions made to donees outside NC; see next item for deduction for donees in NC.

**26. Charitable Contributions Within N.C.**

**Citation:** G.S. 105-130.9(1)-(3)

**Description:** Most deductions are limited to 5% of the taxpayer's net income. Contributions to the State of North Carolina, its counties and municipalities and any agency or instrumentality of these institutions, in addition to contributions made to educational institutions located in North Carolina are fully deductible. For companies with income allocable outside North Carolina, charitable contributions to donees inside NC are not reduced by multiplying by the taxpayer's apportionment factor.

**Enacting Legislation:** S.L. 1939-158

**Estimate (in millions):** FY17-18..... \$3.5      FY18-19..... \$3.4

**Data Source:** Department of Revenue tax data

**27. Amortization of Equipment Mandated by OSHA**

**Citation:** G.S. 105-130.10A

**Description:** In lieu of any depreciation allowance, a corporation may opt to deduct amortization of equipment mandated by the Occupational Safety and Health Act (OSHA), including the cost of planning, acquiring, constructing, modifying, and installing said equipment.

**Enacting Legislation:** S.L. 1979-776

**Estimate (in millions):** Unavailable

## Corporation Income Tax

### Tax Credits

#### 28. Equipment for Cogenerating Power Plant

**Citation:** G.S. 105-130.25

**Description:** Credit of 10% of the costs to purchase and install electrical or mechanical equipment for a cogenerating power plant. A cogenerating power plant uses natural gas as its primary energy source. The total amount of tax credits for all taxpayers for qualifying payments in a calendar year may not exceed \$5,000,000. A public utility, as defined in GS 62-3(23) is not eligible for this credit.

**Enacting Legislation:** S.L. 1979-801; S.L. 1993-674 limited the primary source of fuel to natural gas, effective Jan. 1, 1998.

**Estimate (in millions):** Less than \$0.1

**Data Source:** Department of Revenue tax data

#### 29. Credit for Manufacturing Cigarettes for Exportation

**Citation:** G.S. 105-130.45

**Description:** Credit of up to \$6,000,000 is allowed a company that exports cigarettes to a foreign country through the North Carolina State Ports. The amount of the credit depends on the volume of cigarettes exported compared to the volume in a base year. The amount of credit taken in a given tax year may not exceed 50% of the taxpayer's tax liability, less other credits. Unused credits may be carried forward for 10 years.

**Enacting Legislation:** S.L. 1999-333 - effective for taxable years beginning on or after Jan. 1, 1999

**Sunset Date:** Expires effective for cigarettes exported on or after Jan. 1, 2018

**Estimate (in millions):** FY17-18..... \$5.8      FY18-19..... \$2.3

**Data Source:** Department of Revenue "Economic Incentive Reports"

#### 30. Alternative Cigarette Export Credit

**Citation:** G.S. 105-130.46

**Description:** Credit of up to \$10,000,000 is allowed a company that exports cigarettes to a foreign country through the North Carolina State Ports. The amount of the credit depends on the employment level at the company compared to the employment level in 2004. The amount of credit taken in a given tax year may not exceed 50% of the taxpayer's tax liability, less other credits. Unused credits may be carried forward for 10 years.

**Enacting Legislation:** S.L. 2003-435 - effective for taxable years beginning on or after Jan. 1, 2006

**Sunset Date:** Expires effective for cigarettes exported on or after Jan. 1, 2018

**Estimate (in millions):** FY17-18..... \$0      FY18-19..... \$0

**Data Source:** Department of Revenue "Economic Incentive Reports"

## Various Incentive Tax Credits

The tax credits in this section can be applied against the franchise tax or income taxes. In addition, the historic rehabilitation tax credit in Article 3L may be taken against the insurance gross premiums tax.

**1. Credit for Constructing a Renewable Fuel Facility (Article 3B)**

**Citation:** G.S. 105-129.16D(b)

**Description:** A taxpayer that constructs and places in service in this State a commercial facility for processing renewable fuel is allowed a credit equal to 25% of the cost to the taxpayer of constructing and equipping the facility. The credit must be taken in 7 annual installments. Unused credits may be carried forward for 5 years.

**Enacting Legislation:** S. L. 2004-153 - effective for taxable years beginning on or after Jan. 1, 2005

**Sunset Date:** Expires for facilities placed into service on or after Jan. 1, 2014. However, the sunset is extended to Jan. 1, 2020 if the taxpayer (1) signs a letter of commitment with the Department of Commerce on or before Sept. 1, 2013, stating the taxpayer's intent to construct and place into service in this State a commercial facility for processing renewable fuel and (2) begins construction of the facility on or before Dec. 31, 2013 (SL 2013-363; SL 2016-113).

**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$7.1

**Data Source:** News articles related to eligible facilities

**2. Credit for Investing in Major Recycling Facility (Article 3C)**

**Citation:** G.S. 105-129.27

**Description:** An owner that purchases or leases machinery and equipment for a major recycling facility in this State is allowed a credit equal to 50% of the amount payable by the owner during the taxable year to purchase or lease the machinery and equipment. Unused credits may be carried forward 25 years.

**Enacting Legislation:** S.L. 1998-55 - effective for taxable years beginning on or after Jan. 1, 1998

**Estimate (in millions):** FY17-18..... \$4.0                      FY18-19..... \$4.0

**Data Source:** Department of Revenue "Economic Incentive Reports"

Various Incentive Tax Credits

**3. Credit for Constructing a Railroad Intermodal Facility (Article 3K)**

**Citation:** G.S. 105-129.96

**Description:** A taxpayer that constructs or leases an eligible railroad intermodal facility in this State and places it in service during the taxable year is allowed a tax credit equal to fifty percent (50%) of all amounts payable by the taxpayer towards the costs of construction or under the lease. In order to be eligible, the cost of construction must exceed \$30 million. The credit may not exceed fifty percent (50%) of the tax against which it is applied. Any unused portion of a credit may be carried forward for the succeeding 10 years.

**Enacting Legislation:** S.L. 2007-323 - effective for eligible facilities placed into service on or after Jan. 1, 2007

**Sunset Date:** Expires Jan. 1, 2038

**Estimate (in millions):** FY17-18..... \$2.0            FY18-19..... \$2.0

**Data Source:** Department of Revenue tax records

**4. Credit for Income-Producing Rehabilitated Historic Property (Article 3L)**

**Citation:** G.S. 105-129.100

**Description:** A taxpayer may receive a tax credit for qualified rehabilitation expenditures. The base amount of credit is 15% of the first \$10 million of expenses and 10% of expenses over \$10 million, but not exceeding \$20 million. An additional 5% credit is allowed for a project located in a development tier 1 or 2 area or if the project is located on an eligible targeted investment site, or 10% for both. The credit for an income-producing project cannot exceed \$4,500,000. Any unused credits may be carried forward for the succeeding 9 years.

**Enacting Legislation:** S.L. 2015-241 - effective for eligible expenses incurred on or after Jan. 1, 2016; tax credits for historic rehabilitation were previously enacted by S.L. 1993-527 (expired on Jan. 1, 2015); a specific credit for mill rehabilitation was added by S.L. 2006-40 (expired for applications for certification submitted on or after Jan. 1, 2015)

**Sunset Date:** Expires for qualified rehabilitation expenditures and rehabilitation expenses incurred on or after Jan. 1, 2020

**Estimate (in millions):** FY17-18..... \$6.0            FY18-19..... \$6.0

**Data Source:** Department of Revenue "Economic Incentive Reports"; Legislative fiscal note for House Bill 152 (2015)

**5. Eligible Historic Rehabilitation Expenses in 2014 and 2015 (Article 3L)**

**Citation:** G.S. 105-129.100(e)

**Description:** Certain historic rehabilitation expenses incurred in 2014 and 2015 may be eligible for the historic rehabilitation credit in 2016 if all the following conditions are met: (1) the certified historic structure is located in a Tier 1 or Tier 2 county; (2) the structure is owned by a city; (3) the qualifying activity commenced in 2014; (4) a certificate of occupancy is issued on or before December 31, 2015; (5) the taxpayer meets other conditions in the section.

**Enacting Legislation:** S.L. 2015-264

**Estimate (in millions):** Unavailable

**6. Credit for Nonincome-Producing Rehabilitated Historic Property (Article 3L)**

**Citation:** G.S. 105-129.101

**Description:** A taxpayer may receive a tax credit for qualified rehabilitation expenditures. The credit is 15% of expenses. At least \$10,000 must be spent on the project and the tax credit cannot exceed \$22,500 per discrete property parcel. Any unused credits may be carried forward for the succeeding 9 years.

**Enacting Legislation:** S.L. 2015-241 - effective for eligible expenses incurred on or after Jan. 1, 2016; tax credits for nonincome-producing historic rehabilitation were previously enacted by S.L. 1997-139 (expired on Jan. 1, 2015, with some exceptions)

**Sunset Date:** Expires for qualified rehabilitation expenditures and rehabilitation expenses incurred on or after Jan. 1, 2020

**Estimate (in millions):** FY17-18..... \$0.8            FY18-19..... \$2.0

**Data Source:** Department of Revenue "Economic Incentive Reports"; Legislative fiscal note for House Bill 152 (2015)

## Individual Income Tax

### **Individual Income Tax (Article 4, Part 2)**

#### **Brief Description and Tax Base Information**

The individual income tax is a tax on the taxable income of every resident of the State and nonresidents deriving income from North Carolina sources.

The base of the individual income tax is federal adjusted gross income (AGI). This is a fairly broad definition of income, although it does not include certain exemptions and deductions from income, such as some Social Security payments, certain capital gains, interest on student loans, etc. AGI also does not include deductions for expenses necessary to produce income.

The North Carolina tax base does not include some components of AGI, including interest on obligations of other states and their political subdivisions.

The taxable income base is further decreased by allowing for a base standard deduction. The standard deduction is considered an allowance for necessary expenses associated with maintaining a household. The amounts used for the base standard deduction are \$5,000 for single and married-filing-separately individuals; \$7,350 for heads of households; and \$10,000 for married individuals filing a joint return. These amounts are approximately 80% of 2016 federal standard deduction amounts.

Each shareholder's pro rata share of an S Corporation's income is subject to the adjustments provided under the individual income tax.

For taxable years beginning prior to Jan. 1, 2014, there were three marginal tax rates: 6%, 7%, and 7.75%. The cutoff level of taxable income for the tax brackets varied by marital status and by whether an individual is the head of a household. For taxable years beginning on or after Jan. 1, 2014, there is only one tax bracket: the tax rate is 5.8% in 2014; 5.75% in 2015 and 2016; 5.499% in 2017 and 2018; and 5.25% in 2019 and later years.

The individual income tax is the largest component of the State's General Fund revenues. In fiscal year 2016-17, the State's net collections from this tax were over \$12.1 billion.

**Exemptions**

**1. Certain Individuals Upon Death**

**Citation:** G.S. 105-158

**Description:** An individual is not subject to tax if the individual is not subject to federal income tax under Code section 692, which exempts members of the Armed Forces and astronauts who have died in the line of duty, and persons killed as a result of certain terrorist attacks.

**Enacting Legislation:** S. L. 1969-1116 – effective Jan. 1, 1964

**Estimate (in millions):** less than \$0.1

**Data Source:** Number of military deaths from Department of Defense

**Deductions**

**2. Standard Deduction in Excess of Base Amounts**

**Citation:** G.S. 105-153.5(a)(1)

**Description:** Taxpayers may take either the standard deduction or itemized deductions.

For tax years beginning on or after Jan. 1, 2016, the standard deduction amount is \$16,500 for married filing jointly/surviving spouse \$13,200 for head of household; and \$8,250 for single or married filing separately. For tax years beginning on or after Jan. 1, 2017, standard deductions were increased (\$17,500 for MFJ/SS; \$14,000 for head of household; \$8,750 for single or MFS). For tax years beginning on or after Jan. 1, 2019, standard deductions were increased (\$20,000 for MFJ/SS; \$15,000 for head of household; \$10,000 for single or MFS).

**Enacting Legislation:** S.L. 1939-158 allowed a \$1,000 deduction for an individual (approximately \$17,000 in 2014 dollars); \$2,000 for a married man or head of household; \$1,000 for a married woman having a separate and independent income; plus \$200 for each dependent child or dependent incapable of self-support. S.L. 1953-1302 created a standard deduction in lieu of itemizing deductions; the deduction was the larger of \$500 or 10% of gross income.

**Estimate (in millions):** FY17-18..... \$1,207.6 FY18-19..... \$1,359.1

**Data Source:** Department of Revenue tax data

**Note:** The estimate includes (1) taxpayers taking the standard deduction and (2) taxpayers taking itemized deductions, whose deductions were changed to the standard deduction amount.

## Individual Income Tax

### 3. Charitable Contributions Itemized Deduction

**Citation:** G.S. 105-153.5(a)(2)a

**Description:** If itemizing deductions, a taxpayer may deduct an amount allowed as a deduction for charitable contributions under section 170 of the Code for that taxable year. The amount may be increased for any 401K contributions under section 408(d)(8) deducted from federal income and added back to State income.

**Enacting Legislation:** S.L. 1939-158 allowed deductions for interest paid, charitable contributions and property taxes.

**Estimate (in millions):** FY17-18..... \$248.1      FY18-19..... \$253.4

**Data Source:** Department of Revenue tax data

### 4. Qualified Mortgage Interest Itemized Deduction

**Citation:** G.S. 105-153.5(a)(2)b

**Description:** If itemizing deductions, a taxpayer may deduct the amount allowed as a deduction for interest paid or accrued during the taxable year under section 163(h) of the Code with respect to any qualified residence. The amount of this deduction is limited to \$20,000 minus the amount of the property tax itemized deduction.

**Enacting Legislation:** S.L. 2013-316 – effective Jan. 1, 2014; S.L. 1939-158 allowed deductions for interest paid, charitable contributions and property taxes.

**Estimate (in millions):** FY17-18..... \$107.6      FY18-19..... \$100.2

**Data Source:** Department of Revenue tax data

### 5. Property Tax Itemized Deduction

**Citation:** G.S. 105-153.5(a)(2)b

**Description:** If itemizing deductions, a taxpayer may deduct the amount claimed as a deduction for property taxes paid or accrued on real estate under section 164 of the Code for that taxable year. The amount of this deduction is limited to \$20,000 minus the amount of the mortgage interest itemized deduction.

**Enacting Legislation:** S.L. 2013-316 – effective Jan. 1, 2014; S.L. 1939-158 allowed deductions for interest paid, charitable contributions and property taxes.

**Estimate (in millions):** FY17-18..... \$65.3      FY18-19..... \$61.6

**Data Source:** Department of Revenue tax data

**6. Medical and Dental Expenses Itemized Deduction**

**Citation:** G.S. 105-153.5(a)(2)c

**Description:** Effective January 1, 2015: If itemizing deductions, a taxpayer may deduct the amount allowed as a deduction for medical and dental expenses under section 213 of the Code for that taxable year.

**Enacting Legislation:** S.L. 2015-241; the deduction was previously included as an itemized deduction for tax years prior to 2014

**Estimate (in millions):**    FY17-18..... \$66.7            FY18-19..... \$65.0

**Data Source:** Department of Revenue tax data

**7. Child Deduction**

**Citation:** G.S. 105-153.5(a1)

**Description:** A taxpayer may deduct an amount based on their AGI for each dependent child for whom they are allowed the federal child tax credit. For taxpayers filing as married filing jointly, the deduction amount is \$2,500 if AGI is \$40,000 or less; \$2,000 if AGI is between \$40,001 and \$60,000; \$1,500 if AGI is between \$60,001 and \$80,000; \$1,000 if AGI is between \$80,001 and \$100,000; \$500 if AGI is between \$100,001 and \$120,000.

**Enacting Legislation:** S.L. 2017-57, effective for tax years beginning on or after Jan. 1, 2018. This provision replaced the child tax credit under G.S. 105-153.10(a).

**Estimate (in millions):**    FY17-18..... \$63.1            FY18-19..... \$155.6

**Data Source:** Department of Revenue tax data

**8. N.C. and Nonprofit Education Institution Interest**

**Citation:** G.S. 105-153.5(b)(1)

**Description:** Deduction from adjusted gross income for interest upon the obligations of any of the following: (a) this State, a political subdivision of this State, or a commission, an authority, or another agency of this State or of a political subdivision of this State; (b) a nonprofit educational institution organized or chartered under the laws of this State.

**Enacting Legislation:** S.L. 1939-158; S.L. 1965-833 added the exemption for nonprofit educational institutions

**Estimate (in millions):**    FY17-18..... \$41.9            FY18-19..... \$43.7

**Data Source:** Department of Revenue tax data; Statistics of Income, Internal Revenue Service; Joint Committee on Taxation

## Individual Income Tax

### 9. Disposition of Certain Obligations

**Citation:** G.S. 105-153.5(b)(2)

**Description:** Deduction for gain from disposition of obligations issued before July 1, 1995, to the extent exempt from tax.

**Enacting Legislation:** S.L. 1995-46 repealed the tax-exempt status of the gain earned on the sale of certain North Carolina bonds.

**Estimate (in millions):** Unavailable

### 10. Social Security Benefits in Excess of Federal Limit

**Citation:** G.S. 105-153.5(b)(3)

**Description:** Deduction for benefits received under Title II of the Social Security Act and amounts received from retirement annuities or pensions paid under the provisions of the Railroad Retirement Act of 1937.

**Enacting Legislation:** S.L. 1957-1340 - effective Jan. 1, 1957

**Estimate (in millions):** FY17-18..... \$473.0      FY18-19..... \$486.0

**Data Source:** Department of Revenue tax data

**Note:** The Social Security Amendments of 1983 made OASDI benefits subject to federal income tax. Federal taxation of some Social Security benefits occurs when modified AGI exceeds \$25,000 for single filers or \$32,000 for married filing jointly. These limits are not increased each year for inflation and have not been adjusted since 1983.

### 11. Government Retirement Income under Bailey Decision

**Citation:** G.S. 105-153.5(b)(5)

**Description:** Deduction from adjusted gross income for certain retirement benefits received by eligible retirees of the State of North Carolina and its local governments or the federal government to the extent the amount is exempt pursuant to a court order in settlement of *Bailey v. State*, *Emory v. State*, or *Patton v. State*. Eligible retirees must have had 5 or more years of creditable service as of August 12, 1989. The exclusion also applies to retirement benefits received from the State's §401(k) and §457 plans if the retiree had contributed or contracted to contribute to the plan prior to August 12, 1989.

**Enacting Legislation:** S.L. 1941-25 established the State Retirement System and included an exemption from State taxation. This provision was repealed by S.L. 1989-792.

**Estimate (in millions):** FY17-18..... \$321.5      FY18-19..... \$307.7

**Data Source:** Department of Revenue tax data

**12. Bonus Depreciation and Expensing Adjustment**

**Citation:** G.S. 105-153.5(b)(8)

**Description:** The Code has allowed bonus depreciation allowances and expanded Section 179 expensing for certain years between 2002 and 2014. North Carolina has decoupled from these provisions by having taxpayers add back a percentage of the federal deduction in each year and allowing taxpayers to deduct the addback over a period of 5 years in the future. (The expensing addback only applied to tax years 2010 through 2014 and only on amounts in excess of the 2009 amounts.)

**Enacting Legislation:** S.L. 2002-126 was the first provision related to bonus depreciation addbacks; S.L. 2011-5 added the provision related to the addback for section 179 expensing

**Estimate (in millions):** no net negative impact; see note

**Note:** This provision is offset by the required addition to taxable income in G.S. 105-153.5(c)(5). The net impact is to shift the lost revenue into future years.

**13. Personal Education Savings Account**

**Citation:** G.S. 105-153.5(b)(12)

**Description:** Deduction for the amount deposited during the taxable year to a personal education savings account under Article 39A of Chapter 115C of the General Statutes. (Scholarship funds up to \$9,000 per eligible student for a fiscal year.) The FY18-19 allocation is \$3 million.

**Enacting Legislation:** S.L. 2017-57 - effective for taxable years beginning on or after Jan. 1, 2018

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.2

**Tax Credits**

**14. Credit for Children**

**Citation:** G.S. 105-153.10(a)

**Description:** An individual who is allowed a federal child tax credit under Section 24 of the Code (qualifying children must be under the age of 17 at the end of the calendar year) and whose adjusted gross income (AGI) is less than a specified amount (\$100,000 for married filers, filing jointly; \$80,000 for heads of households; \$50,000 for single filers or married filers, filing separately) is allowed a credit of \$100 for each dependent child. For tax years beginning on or after Jan. 1, 2014, an additional \$25 credit is allowed for taxpayers whose AGI does not exceed the following amounts by filing status: \$40,000 for married filers, filing jointly; \$32,000 for heads of households; \$20,000 for single filers or married filers, filing separately. The credit cannot exceed the individual's tax liability for the year reduced by all other credits.

**Enacting Legislation:** S.L. 1995-42 - effective Jan. 1, 1995

**Sunset Date:** Expires Jan. 1, 2018 (replaced by Child Deduction)

**Estimate (in millions):** FY17-18..... \$91.0      FY18-19..... \$0

**Data Source:** Department of Revenue tax data

## Sales and Use Tax

### Sales and Use Tax (Article 5)

#### Tax Base Information

The sales tax in North Carolina is imposed on final sales (including the value of leases and rentals) of tangible personal property, digital property and certain services occurring in the State, and the use tax is imposed on purchases made outside the State if the taxable item purchased is used or stored in North Carolina.

For this report, services are not considered part of the sales tax base unless they are specifically listed as taxable items in the General Statutes.

Effective Jan. 1, 2010, the sales tax applies to certain digital property that is delivered or accessed electronically, is not considered tangible personal property, and would be taxable if sold in a tangible medium.

Effective Jan. 1, 2014, the sales tax applies to admission charges to certain entertainment activities and to service contracts.

Effective March 1, 2016, the sales tax applies to repair, maintenance and installation (RMI) services.

Effective Jan. 1, 2017, the sales tax on RMI services was amended by S.L. 2016-94 in order to treat similar transactions the same and to expand the tax base to services on real property.

**State sales tax rate:** As of July 1, 2011, the State sales tax rate is 4.75%.

**Combined general rate:** The State sales tax rate on telecommunications and ancillary services, video programming, and spirituous liquor is equal to the State combined general rate. This rate has been 7.0% since July 1, 2011. Effective July 1, 2014, the combined general rate also applies to sales of electricity and piped natural gas. Effective Jan. 1, 2016, aviation gasoline and jet fuel are taxed at the combined general rate.

For Fiscal Year 2016-17, sales and use tax collections net of refunds and reserves for sales taxes imposed by local governments were approximately \$7.6 billion. Various other transfers from State sales & use taxes to local governments, including the distribution to the State Public School Fund, were approximately \$606 million. (Sales tax revenues related to the 8% short-term lease of motor vehicles are not included in collections here.)

**Table 3****Sales and Use Tax Expenditure Estimates for FY 2018-19**

<b>Item</b>	<b>N.C.G.S. 105-</b>	<b>Short Title</b>	<b>FY18-19 estimate</b>
1	164.3(2c)b	Work that Requires a Building Permit	Unavailable
2	164.3(2c)c	Installation of Utilities	Unavailable
3	164.3(2c)d	Installation of Capitalized or Expensed Equipment	Unavailable
4	164.3(2c)e	Painting and Wallpapering	31.0
5	164.3(2c)f	Replacement or Installation of Building-Related Systems	75.3
6	164.3(2c)g	Replacement or Installation of HVAC Systems	49.3
7a	164.3(2c)h	Replacement of Pavement, Patios & Decks	7.4
7b	164.3(2c)h	Installation of New Pavement, Patios & Decks	19.2
8	164.3(2c)i	Resolution of Construction-Related Issues	6.3
9	164.3(2c)j	Landscaping	60.2
10	164.3(2c)k	Certain Additions & Alterations to Real Property	Unavailable
11	164.3(33i)	Installation by Real Property Contractor	46.1
12	164.3(33i)e	Property Monitoring Services	23.9
13	164.4(a)(4)	Laundromat Self-Service Machines	3.5
14	164.4F(e)	Certain Accommodation Rentals	Unavailable
15	164.4G(e)(1)	Right to Participate in Sporting Activities	74.5
16	164.4G(e)(4)	Lifetime Seat Rights and Box Seat Rentals	2.3
17	164.4G(f)(1)	Membership Charges Deductible as Charitable Contribution	Unavailable
18	164.4G(f)(2)	Donated Admission Charges	Unavailable
19	164.4G(f)(3)	Amenities Exemption for Admission Charges	1.6
20	164.4G(f)(4)	Events Sponsored by Primary and Secondary Schools	15.5
21	164.4G(f)(5)	Events Sponsored Solely by a Nonprofit	Unavailable
22	164.4G(f)(6)	Admission to Events on Farmland	Unavailable
23	164.4H(b)	Retailer-Contractor Provision for Real Property Contracts	Unavailable
24	164.4H(d)	Mixed Transaction Contract for RMI	Unavailable
25	164.4I(c)(1)	Security Service Contract	included in item #12
26	164.4I(c)(2)	Service Contract for Wastewater System	Unavailable
27	164.12C	Items Given Away by Merchants	Unavailable
28	164.13(3)	Certain Products of Forests and Mines Sold by Producers	Unavailable
29	164.13(4b)	Farm Products Sold by Producer and Ice Used for Preservation	Unavailable
30	164.13(4f)	Commercial Logging Machinery	12.5
31	164.13(4g)	Wood Chippers for Out-of-State Use	less than \$0.1

## Sales and Use Tax

<b>Item</b>	<b>N.C.G.S. 105-</b>	<b>Short Title</b>	<b>FY18-19 estimate</b>
32	164.13(5a)	Items Taxed by Article 5F	18.1
33	164.13(5b)	Telephone Equipment	87.0
34	164.13(5c)	Radio and Television Broadcast Equipment	1.8
35	164.13(5d)	Cable Service Broadcast Equipment	4.2
36	164.13(5e)	Mill Machinery	239.6
37	164.13(5f)	Major Recycling Facility Equipment	0.2
38	164.13(5g)	R&D Company Equipment	2.8
39	164.13(5h)	Software Publishing Company Equipment	0.1
40	164.13(5i)	Industrial Machinery Refurbishing Equipment	0.1
41	164.13(5j)	Ports Facility Equipment	Unavailable
42	164.13(5k)	Secondary Metals Recycler Equipment	Unavailable
43	164.13(5l)	Precious Metals Extraction Equipment	Unavailable
44	164.13(5m)	Large Metal Fabricator Equipment	Unavailable
45	164.13(5n)	Ready-Mix Concrete Mill Parts	Unavailable
46	164.13(5o)	Large Fulfillment Facility Equipment	Unavailable
47	164.13(7)	Aquacultural Products in Raw State	Unavailable
48	164.13(8a)	Fuel for Small Power Production Facility	Unavailable
49	164.13(9)	Tangible Property Purchased for Commercial Fishing	1.3
50	164.13(10)	Items Used by Laundries and Dry Cleaning Businesses	1.5
51	164.13(10a)	Lubricants, Materials and Electricity Used by Major Recycling Facility	3.4
52	164.13(11)	Motor Fuel or Alternative Fuel Taxed by Articles 36C or 36D	0.0
53	164.13(11a)	Diesel Fuel for Railroads	9.6
54	164.13(11b)	Fuel Purchases by an Interstate Air Business	15.0
55	164.13(12)	Durable Medical Equipment	89.6
56	164.13(13)	Prescription Drugs and Insulin for Human Use	708.8
57	164.13(13)	Drugs Prescribed by a Veterinarian	18.8
58	164.13(14)	Public School Books	Unavailable
59	164.13(15)	Accounts of Sales Charged Off for Income Purposes	Unavailable
60	164.13(20)	Sales by Blind Merchants	0.5
61	164.13(21)	Lease or Rental of Films for Exhibition	7.0
62	164.13(22)	Lease or Rental of Films, Transcriptions and Recordings to Broadcasters	14.2
63	164.13(22a)	Audiovisual Masters	0.9
64	164.13(23)a	Packaging Items for Manufacturers	79.7
65	164.13(23)a	Packaging Items for Retailers	20.7
66	164.13(23)b	Packaging Returned to Seller	Unavailable
67	164.13(26)	Food Sold in a School	11.5

Sales and Use Tax

Item	N.C.G.S. 105-	Short Title	FY18-19 estimate
68	164.13(26a)	Food Sold by a Public School Cafeteria to Certain Childcare Centers	0.4
69	164.13(26b)	Food Sold Not for Profit Related to a School	Unavailable
70	164.13(31)	Meals for the Elderly	1.3
71	164.13(31a)	Food Sold by a Church or Religious Organization	Unavailable
72	164.13(32)	Motor Vehicle Exemption Less Highway Use Tax	689.3
73	164.13(34)	Sales by Nonprofits Whose Proceeds Go to the State	Unavailable
74	164.13(35)	Sales by Nonprofits Conducted Annually	2.2
75	164.13(36)	Advertising Supplements Sold with Newspapers	0.4
76	164.13(39)	Components of Free Distribution Periodicals	Unavailable
77	164.13(40)	Sales to the Department of Transportation	0.0
78	164.13(41)	Mobile Classrooms Purchased by Boards of Education or Community Colleges	0.5
79	164.13(42)	Articles Donated by Retailer or Wholesaler	Unavailable
80	164.13(43)	Custom Computer Software	67.3
81	164.13(43a)	Certain Computer Software	Unavailable
82	164.13(43b)	Certain Software or Digital Property	Unavailable
83	164.13(45)	Certain Items Purchased by Interstate Passenger Air Carriers	Unavailable
84	164.13(45a)	Lubricants and Parts Used in Maintenance of Commercial Aircraft	5.0
85	164.13(45b)	Certain Items Purchased by Interstate Air Couriers	Unavailable
86	164.13(45c)	Aircraft Simulators	Unavailable
87	164.13(45d)	Items related to qualified aircraft or jet engine	Unavailable
88	164.13(46)	Electricity to Municipalities Supplied by Federal Agency	0.9
89	164.13(49a)	Delivery Charges of Direct Mail	Unavailable
90	164.13(50)	Goods Sold Through Vending Machines	23.5
91	164.13(51)	Water Delivered Through Main Pipes	112.2
92	164.13(52)	Sales to State Agencies	0.0
93	164.13(53)	Aerial Survey Data	Unavailable
94	164.13(54b)	Pay Telephone Services	Unavailable
95	164.13(54c)	911 Charges	5.7
96	164.13(54d)	Telephone Charges Related to Occupancy of an Accommodation	0.1
97	164.13(54e)	Charges Related to N.C. Information Highway and Other Government Data Networks	Unavailable
98	164.13(55)	Electricity and Equipment for an Eligible Internet Datacenter	Unavailable
99	164.13(55a)	Electricity and Equipment for a Qualifying Datacenter	4.0

## Sales and Use Tax

Item	N.C.G.S. 105-	Short Title	FY18-19 estimate
100	164.13(56)	Locomotives, Cranes and Trucks for a Railroad Intermodal Facility	Unavailable
101	164.13(57)	Electricity Used by Manufacturers	99.5
102	164.13(57)	Piped Natural Gas Used by Manufacturers	151.6
103	164.13(57)	Other Fuel Used by Manufacturers	14.0
104	164.13(57a)	Electricity and Fuel Used by a Secondary Metals Recycler	Unavailable
105	164.13(58)	Disaster Assistance Debit Card Purchases	Unavailable
106	164.13(59)	Interior Design Services	1.8
107	164.13(61)	Motor Vehicle Service Contract	Unavailable
108	164.13(61a)a	Service Contracts or RMI Services on Exempt Items	159.8
109	164.13(61a)b	Motor Vehicle emissions and safety inspection fee	8.1
110	164.13(61a)c	Services Performed by a Related Person	Unavailable
111	164.13(61a)d	Services Related to Cleaning of Real Property	65.9
112	164.13(61a)e	Services on Roads, Driveways, Parking Lots, & Sidewalks	Unavailable
113	164.13(61a)f	Removal of Waste and Debris	46.6
114	164.13(61a)g	Certain Real Property Inspections	3.6
115	164.13(61a)h	Alterations & Clothing Repairs	16.1
116	164.13(61a)i	Pest Control Service	17.2
117	164.13(61a)j	Moving Services	15.8
118	164.13(61a)k	Self-Service Car Washes	10.4
119	164.13(61a)l	Utility Network Assets	Unavailable
120	164.13(61a)m	Qualified Aircraft or Jet Engine	Unavailable
121	164.13(61a)m.3	Additional Aircraft	Unavailable
122	164.13(61a)n	Funeral-Related Services	15.8
123	164.13(61a)o	Services Performed on an Animal	15.3
124	164.13(62)	Items Used to Fulfill Taxable Service Contracts	Unavailable
125	164.13(62)	RMI Services to Fulfill Taxable Service Contracts	Unavailable
126	164.13(62a)	Repair Parts and RMI Services on Items Covered by a Warranty	Unavailable
127	164.13(64)	Modular & Manufactured Homes	11.2
128	164.13(65)	Motorsports Engine	Unavailable
129	164.13(66)	Storage of a Motor Vehicle	2.3
130	164.13(67)	Towing Services	6.0
131	164.13(68)	Wastewater Dispersal System Items	Unavailable
132	164.13(69)	Coins, Currency and Bullion Sales	0.4

Sales and Use Tax

<b>Item</b>	<b>N.C.G.S. 105-</b>	<b>Short Title</b>	<b>FY18-19 estimate</b>
133	164.13A	Service Charges on Meals and Beverages	1.6
134	164.13B	Food for Home Consumption	811.9
135	164.13B(a)(4)	Certain Artisan Bakery Items	3.0
136	164.13E(1)	Fuel and Electricity for Farming	16.3
137	164.13E(2)	Fertilizers, Seeds and Related Items Sold to a Farmer	33.6
138	164.13E(3)	Farm Machinery and Related Parts and Lubricants	13.6
139	164.13E(4)	Certain Containers Sold to a Farmer	0.8
140	164.13E(5)	Certain Storage Facilities Sold to a Farmer	3.4
141	164.13E(6)a	Feeds, Litter and Medications for Farming	159.2
142	164.13E(6)b-e	Certain Substances Used on Animals or Plants for Commercial Purposes	10.6
143	164.13E(8)	Manufactured Facilities, Building Materials, and Related Equipment for Commercial Housing of Animals	8.0
144	164.13E(9)	Tobacco Farming Items	0.1
145	164.13E(10)	RMI Services for Farmers	7.9
146	164.14(a)	Refund to Interstate Carrier	3.2
147	164.14(a2)	Partial Refund for Purchases of Railway Cars and Accessories by a Utility	less than \$0.1
148	164.14(b)	Refunds to Nonprofits	244.9
149	164.14(b)	Refunds of Tax on Medicine and Drug Purchases to Certain Hospitals	included in item #148
150	164.14(c)	Refunds to Certain Local Government Entities	90.8
151	164.14A(a)(2)	Refund for Major Recycling Facilities	0.2
152	164.14A(a)(4)	Refund of Aviation Fuel for Motorsports Events	0.2
153	164.14A(a)(5)	Refund on Professional Motor Racing Vehicle Parts	2.6
154	164.14A(a)(7)	Refund for Railroad Intermodal Facilities	0.1
155	164.14A(a)(8)	Refund for Transformative Project	Unavailable
156	164.4(a)(1b)	Preferential Rate and Cap for Aircraft	15.5
157	164.4(a)(1b)	Preferential Rate and Cap for Boats	23.8
158	164.4C(f)	Out-of-State Call Centers	Unavailable

## Exemptions

### 1. Work that Requires a Building Permit

**Citation:** G.S. 105-164.3(2c)b

**Description:** The definition of capital improvement includes: performance of work that requires the issuance of a permit under the State Building Code, other than repair or replacement of electrical components, gas logs, water heater, and similar individual items that are not part of new construction, reconstruction, or remodeling.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate:** Unavailable

### 2. Installation of Utilities

**Citation:** G.S. 105-164.3(2c)c

**Description:** The definition of capital improvement includes: installation of utilities on utility-owned land, right-of-way, or easement, notwithstanding that charges for such are included in the gross receipts derived from services subject to the combined general rate under G.S. 105-164.4.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate:** Unavailable

### 3. Installation of Capitalized or Expensed Equipment

**Citation:** G.S. 105-164.3(2c)d

**Description:** The definition of capital improvement includes: installation of equipment or fixture that is attached to real property and that is capitalized under GAAP or IFRS or is depreciated under the Code, or is expensed under Section 179 of the Code.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate:** Unavailable

### 4. Painting and Wallpapering

**Citation:** G.S. 105-164.3(2c)e

**Description:** The definition of capital improvement includes: painting or wallpapering, except where painting or wallpapering is incidental to the repair, maintenance, and installation service.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$29.5            FY18-19..... \$31.0

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 5. Replacement or Installation of Building-Related Systems

**Citation:** G.S. 105-164.3(2c)f

**Description:** The definition of capital improvement includes: replacement or installation of a roofing, septic tank, plumbing, electrical, commercial refrigeration, irrigation, sprinkler, or other similar system. The term does not include the repair, replacement, or

installation of electrical or plumbing components, water heaters, gutters, and similar individual items that are not part of new construction, reconstruction, or remodeling.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$72.4      FY18-19..... \$75.3

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

**6. Replacement or Installation of HVAC Systems**

**Citation:** G.S. 105-164.3(2c)g

**Description:** The definition of capital improvement includes: replacement or installation of a heating, ventilation, and air conditioning unit or system. The term does not include the repair, replacement or installation of gas logs, water heaters, pool heaters, and similar items that are not part of new construction, reconstruction, or remodeling.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$47.4      FY18-19..... \$49.3

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

**7. Replacement or Installation of Pavement, Patios & Decks**

**Citation:** G.S. 105-164.3(2c)h

**Description:** The definition of capital improvement includes: replacement or installation of roads, driveways, parking lots, patios, decks, and sidewalk.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$25.5      FY18-19..... \$26.6

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

**8. Resolution of Construction-Related Issues**

**Citation:** G.S. 105-164.3(2c)i

**Description:** Services performed to resolve an issue that was part of a real property contract if the services are performed within 6 months of completion of the real property contract or, for new construction, within 12 months of the new structure being occupied for the first time.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$6.1      FY18-19..... \$6.3

**Data Source:** 2012 Economic Census

## Sales and Use Tax

### 9. Landscaping

**Citation:** G.S. 105-164.3(2c)j

**Description:** The definition of capital improvement includes: landscaping. As defined in G.S. 105-164.3(16e), the term does not include services to trees, shrubs, flowers, and similar items in pots or in buildings.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$57.3      FY18-19..... \$60.2

**Data Source:** 2012 Economic Census; County Business Patterns (US Census); Nonemployer Statistics (US Census)

**Note:** The estimates include installation and replacement of “hardscapes” such as patios and walkways that would be included in the receipts of landscaping services companies.

### 10. Certain Additions & Alterations to Real Property

**Citation:** G.S. 105-164.3(2c)k

**Description:** The definition of capital improvement includes: addition or alteration to real property that is permanently affixed or installed to real property and is not an activity listed in subdivision (33i) of this section as a RMI service.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate:** Unavailable

### 11. Installation by Real Property Contractor

**Citation:** G.S. 105-164.3(33i)

**Description:** The definition of repair, maintenance and installation services is not applicable to tangible personal property or digital property installed or applied by a real property contractor pursuant to a real property contract.

**Enacting Legislation:** S.L. 2015-241 - effective Mar. 1, 2016

**Estimate (in millions):** FY17-18..... \$43.9      FY18-19..... \$46.1

**Data Source:** 2012 Economic Census; County Business Patterns (US Census); Nonemployer Statistics (US Census)

**Note:** This category includes estimated receipts of building finishing contractors (except painting and wallpapering) and plumbing

### 12. Property Monitoring Services

**Citation:** G.S. 105-164.3(33i)e

**Description:** The definition of RMI services excludes security or similar monitoring of real property.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$23.4      FY18-19..... \$23.9

**Data Source:** 2012 & 2007 Economic Census, County Business Patterns and Nonemployer Statistics, U.S. Census

**13. Laundromat Self-Service Machines****Citation:** G.S. 105-164.4(a)(4)**Description:** Taxation on the gross receipts of laundries does not apply to receipts derived from coin-, token-, or card-operated washing machines, extractors, and dryers.**Enacting Legislation:** S.L. 1987-854 - effective July 1, 1988**Estimate (in millions):** FY17-18..... \$3.5      FY18-19..... \$3.5**Data Source:** 2012 & 2007 Economic Census, County Business Patterns and Nonemployer Statistics, U.S. Census**14. Certain Accommodation Rentals****Citation:** G.S. 105-164.4F(e)**Description:** Taxation at the general rate on accommodation rentals does not apply to (1) a private residence or cottage that is rented for fewer than 15 days in a calendar year; (2) an accommodation rented to the same person for a period of 90 or more continuous days; or (3) an accommodation arranged or provided by a school, camp, or similar entity where a tuition or fee is charged for enrollment in such entity.**Enacting Legislation:** S.L. 1955-1313**Estimate (in millions):** Unavailable**15. Right to Participate in Sporting Activities****Citation:** G.S. 105-164.4G(e)(1)**Description:** Exemption from tax on admission charges for an amount paid for the right to participate in sporting activities. Examples of these types of charges include bowling fees, golf green fees, and gym memberships.**Enacting Legislation:** S.L. 2014-3 – effective May 29, 2014. These fees were excluded from the privilege tax on admissions previously, but not explicitly stated.**Estimate (in millions):** FY17-18..... \$71.8      FY18-19..... \$74.5**Data Source:** 2012 U.S. Economic Census**16. Lifetime Seat Rights and Box Seat Rentals****Citation:** G.S. 105-164.4G(e)(4)**Description:** Exemption from tax on admission charges for a charge for lifetime seat rights, lease, or rental of a suite or box for an entertainment activity, provided the charge is separately stated on an invoice or similar billing document given to the purchaser at the time of sale.**Enacting Legislation:** S.L. 2014-3 – effective May 29, 2014. These fees were excluded from the privilege tax on admissions previously, but not explicitly stated.**Estimate (in millions):** FY17-18..... \$2.2      FY18-19..... \$2.3**Data Source:** 2012 Economic Census

## Sales and Use Tax

### 17. Membership Charges Deductible as Charitable Contribution

**Citation:** G.S. 105-164.4G(f)(1)

**Description:** Exemption from tax on admission charges for the portion of a membership charge that is deductible as a charitable contribution under section 170 of the Code.

**Enacting Legislation:** S.L. 2014-3 – effective May 29, 2014

**Estimate (in millions):** Unavailable

### 18. Donated Admission Charges

**Citation:** G.S. 105-164.4G(f)(2)

**Description:** Exemption from tax on admission charges for a donation that is deductible as a charitable contribution under section 170 of the Code.

**Enacting Legislation:** S.L. 2014-3 – effective May 29, 2014

**Estimate (in millions):** Unavailable

### 19. Amenities Exemption for Admission Charges

**Citation:** G.S. 105-164.4G(f)(3)

**Description:** The value of amenities is excluded from the amount subject to tax. If charges for amenities are not separately stated on the face of an admission ticket, then the transaction is a bundled transaction and taxed in accordance with G.S. 105-164.4D except that subsection (a)(3) does not apply.

**Enacting Legislation:** S.L. 2013-316 - effective Jan. 1, 2014; formerly exempt under the privilege tax on amusements (S.L. 2010-31)

**Estimate (in millions):** FY17-18..... \$1.5      FY18-19..... \$1.6

**Data Source:** 2012 Economic Census

### 20. Events Sponsored by Primary and Secondary Schools

**Citation:** G.S. 105-164.4G(f)(4)

**Description:** Exemption for admission charges to an event that is sponsored by an elementary or secondary school.

**Enacting Legislation:** S.L. 2013-316 - effective Jan. 1, 2014; formerly exempt from privilege tax on amusements under GS 105-40 (S.L. 1945-708)

**Estimate (in millions):** FY17-18..... \$15.2      FY18-19..... \$15.5

**Data Source:** National Center for Educational Statistics

### 21. Events Sponsored Solely by a Nonprofit

**Citation:** G.S. 105-164.4G(f)(5)

**Description:** Exemption for an event sponsored solely by a nonprofit entity that is exempt from tax under Article 4 of Chapter 105 if all the following conditions are met: (1) the entire proceeds are used exclusively for the entity's nonprofit purposes; (2) the entity does not declare dividends, receive profits, or pay salary or other compensation to any

members or individuals; (3) the entity does not compensate any person for participating in the event or producing the event.

**Enacting Legislation:** S.L. 2014-3 - effective Jan. 1, 2015; formerly exempt from privilege tax on amusements under G.S. 105-40 and G.S. 106-507

**Estimate (in millions):** Unavailable

**22. Admission to Events on Farmland**

**Citation:** G.S. 105-164.4G(f)(6)

**Description:** Exempts tax on admission charge to an event sponsored by a farmer that takes place on farmland and is related to farming activities or animals.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2014

**Estimate (in millions):** Unavailable

**23. Retailer-Contractor Provision for Real Property Contracts**

**Citation:** G.S. 105-164.4H(b)

**Description:** A retailer-contractor is allowed an exemption for purchase of tangible personal property that is to be installed and becomes part of real property. The retailer-contractor pays use tax on its purchase price of the tangible property when it is withdrawn from inventory.

**Enacting Legislation:** S.L. 2014-3 - effective Jan. 1, 2015

**Estimate (in millions):** Unavailable

**24. Mixed Transaction Contract for RMI**

**Citation:** G.S. 105-164.4H(d)

**Description:** If taxable RMI is included in a contract with a real property contract for a capital improvement, and the taxable RMI portion does not exceed 25% of the contract price, then taxable RMI and TPP, digital property or service used to perform that service are taxable as a real property contract.

**Enacting Legislation:** S.L. 2016-94; S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** Unavailable

**25. Security Service Contract**

**Citation:** G.S. 105-164.4I(c)(1)

**Description:** The tax on service contracts does not apply to a security contract or similar monitoring contract for real property.

**Enacting Legislation:** S.L. 2014-3, effective Oct. 1, 2014

**Estimate (in millions):** included in item #12

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### 26. Service Contract for Wastewater System

**Citation:** G.S. 105-164.4I(c)(2)

**Description:** The tax on service contracts does not apply to a contract to provide a certified operator for a wastewater system.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** Unavailable

### 27. Items Given Away by Merchants

**Citation:** G.S. 105-164.12C

**Description:** A retailer engaged in the business of selling prepared food and drink for immediate or on-premises consumption, who gives prepared food or drink to its patrons or employees free of charge, does not have to pay use tax on the value of the property given away.

**Enacting Legislation:** S.L. 2012-79 - this provision was previously included in the definition of "sale or selling" that was adopted to comply with a decision by the North Carolina Court of Appeals (S.L. 1996-14)

**Estimate (in millions):** Unavailable

### 28. Certain Products of Forests and Mines Sold by Producers

**Citation:** G.S. 105-164.13(3)

**Description:** Sales of products of forests and mines in their original or non-manufactured state when such sales are made by the producer in the capacity of producer.

**Enacting Legislation:** S.L. 1933-445

**Estimate (in millions):** Unavailable

**Note:** Although a portion of sales of these products will undergo further processing or be sold for resale, a sizable amount of goods will be sold at retail by the producer, especially products of the mine such as gravel sold to road contractors and coal sold to power companies.

### 29. Farm Products Sold by Producer and Ice Used for Preservation

**Citation:** G.S. 105-164.13(4b)

**Description:** Sales of products of a farm sold in their original state by the producer of the products if the producer is not primarily a retail merchant and ice used to preserve agriculture, aquaculture and commercial fishery products until the products are sold at retail.

**Enacting Legislation:** S.L. 1939-158; all ice was exempt prior to Sept. 1, 1990 (S.L. 1989-1068).

**Estimate (in millions):** Unavailable

**Note:** No information on direct retail sales by farmers for this category was available.

**30. Commercial Logging Machinery****Citation:** G.S. 105-164.13(4f)**Description:** Sales to a person engaged in the commercial logging business of the following: (a) logging machinery; (b) attachments and repair parts for logging machinery; (c) lubricants applied to logging machinery; and (d) fuel used to operate logging machinery.**Enacting Legislation:** S.L. 2006-19 - effective for sales on or after July 1, 2006; items were previously taxed at a preferential rate of 1% with an \$80 cap on each piece of machinery, attachments and parts.**Estimate (in millions):** FY17-18..... \$11.8      FY18-19..... \$12.5**Data Source:** Department of Revenue tax data; Legislative Fiscal Note for House Bill 1938 (2006). The number of firms and trends in logging industry in North Carolina were derived from Bureau of Labor Statistics data**Note:** Motor fuels used off-highway are not subject to motor fuels tax but are subject to the sales tax.**31. Wood Chippers for Out-of-State Use****Citation:** G.S. 105-164.13(4g)**Description:** Exemption for a purchase of a wood chipper by a person who purchases a motor vehicle (trailer) in this State that is to be registered in another state for use in towing the wood chipper.**Enacting Legislation:** S.L. 2010-147 - effective for sales made on or after July 1, 2009**Estimate (in millions):** less than \$0.1**Data Source:** Legislative fiscal note for House Bill 1973 (2009)**32. Items Taxed by Article 5F****Citation:** G.S. 105-164.13(5a)**Description:** The following items taxable under Article 5F are exempt from sales and use tax: mill machinery and mill machinery parts and accessories purchased by a manufacturing industry and certain machinery and equipment purchased by the following: major recycling facility, research and development company, software publishing company, industrial machine refurbisher, company located at a port facility, datacenter (repealed effective July 1, 2015), or large manufacturing and distribution facility. Article 5F imposes a 1% tax on eligible equipment, with a maximum tax of \$80 per item.**Enacting Legislation:** S.L. 2001-347, s. 2.12 - effective January 1, 2006; mill machinery, attachments and parts had previously been taxed at a preferential rate of 1% with an \$80 cap per item under the sales tax statutes (S.L. 1961-826); exempt prior to 1961**Repeal Date:** Article 5F and this provision are repealed effective July 1, 2018 (S.L. 2017-57). The exemption for the above items were retained, as codified under G.S. 105-164.13(5e)-(5n).**Estimate (in millions):** FY17-18..... \$212.2      FY18-19..... \$18.1**Data Source:** Department of Revenue tax data

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**Note:** The estimate is the amount of tax that would have been collected at the State sales tax rate minus the amount collected under Article 5F. Effective July 1, 2016, companies involved in certain metal recycling, extracting precious metals, and certain metal fabricators became eligible for the Article 5F tax.

### 33. Telephone Equipment

**Citation:** G.S. 105-164.13(5b)

**Description:** Sales to a telephone company of central office equipment, private branch exchange equipment, terminal equipment (other than public pay telephone), switchboard equipment, and attached parts and accessories.

**Enacting Legislation:** S.L. 2005-276 - effective Oct. 1, 2005; these items were previously taxed at 1%, with an \$80 cap (S.L. 1961-826); exempt prior to 1961

**Estimate (in millions):**    FY17-18..... \$83.8            FY18-19..... \$87.0

**Data Source:** 2015 Service Annual Survey & 2015 Capital Spending Report, US Census Bureau

### 34. Radio and Television Broadcast Equipment

**Citation:** G.S. 105-164.13(5c)

**Description:** Sales of towers, broadcasting equipment, and attached parts and accessories to an FCC-licensed radio or television company.

**Enacting Legislation:** S.L. 2005-276 - effective Oct. 1, 2005; these items were previously taxed at 1%, with an \$80 cap (S.L. 1961-826); exempt prior to 1961

**Estimate (in millions):**    FY17-18..... \$1.7            FY18-19..... \$1.8

**Data Source:** 2015 Service Annual Survey & 2015 Capital Spending Report, US Census Bureau

### 35. Cable Service Broadcast Equipment

**Citation:** G.S. 105-164.13(5d)

**Description:** Sales of broadcasting equipment and attached parts and accessories, excluding cable, to a cable service provider.

**Enacting Legislation:** S.L. 2005-276 - effective Oct. 1, 2005; these items were previously taxed at 1%, with an \$80 cap

**Estimate (in millions):**    FY17-18..... \$4.0            FY18-19..... \$4.2

**Data Source:** 2015 Service Annual Survey & 2015 Capital Spending Report, US Census Bureau

**36. Mill Machinery****Citation:** G.S. 105-164.13(5e)**Description:** Sales of mill machinery or mill machinery parts or accessories. A manufacturing plant does not include (i) a retailer principally engaged in the retail sale of foods prepared by it or (ii) a production company.**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; mill machinery, attachments and parts had previously been taxed at a preferential rate of 1% with an \$80 cap per item under the sales tax statutes (S.L. 1961-826) or under Article 5F; exempt prior to 1961**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$239.6**Data Source:** Department of Revenue Article 5F tax database**37. Major Recycling Facility Equipment****Citation:** G.S. 105-164.13(5f)**Description:** Sales of (a) cranes, structural steel crane and support systems, and foundations related to the cranes and support systems, (b) port and dock facilities, (c) rail equipment, (d) material handling equipment to a major recycling facility.**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2005-276, effective Jan. 1, 2006)**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$0.2**Data Source:** Department of Revenue Article 5F tax database**38. R&D Company Equipment****Citation:** G.S. 105-164.13(5g)**Description:** Sales of equipment, or an attachment or repair part for equipment, that (a) is sold to a company primarily engaged in R&D activities in the physical, engineering and life sciences, (b) is capitalized by the company for tax purposes under the Code, (c) is used by the company in the research and development of tangible personal property.**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2006-66, effective Jan. 1, 2007)**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$2.8**Data Source:** Department of Revenue Article 5F tax database**39. Software Publishing Company Equipment****Citation:** G.S. 105-164.13(5h)**Description:** Sales of equipment, or an attachment or repair part for equipment, that (a) is sold to a company primarily engaged in software publishing activities, (b) is capitalized by the company for tax purposes under the Code, (c) is used by the company in the research and development of tangible personal property.**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2007-323, effective Oct. 1, 2007)**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$0.1**Data Source:** Department of Revenue Article 5F tax database

**40. Industrial Machinery Refurbishing Equipment**

**Citation:** G.S. 105-164.13(5i)

**Description:** Sales of equipment, or an attachment or repair part for equipment, that (a) is sold to a company primarily engaged at the establishment in industrial machinery refurbishing activities, (b) is capitalized by the company for tax purposes under the Code, and (c) is used by the company in repairing or refurbishing tangible personal property.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2008-107, effective July 1, 2008)

**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$0.1

**Data Source:** Department of Revenue Article 5F tax database

**41. Ports Facility Equipment**

**Citation:** G.S. 105-164.13(5j)

**Description:** Sales of the following to a company located at a ports facility for waterborne commerce: (a) machinery and equipment that is used at the facility to unload or to facilitate the unloading or processing of bulk cargo to make it suitable for delivery to and use by manufacturing facilities, (b) parts, accessories, or attachments used to maintain, repair, replace, upgrade, improve, or otherwise modify such machinery and equipment.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2011-302, effective July 1, 2013)

**Estimate (in millions):** Unavailable – included in estimate for G.S. 105-164.13(5e)

**42. Secondary Metals Recycler Equipment**

**Citation:** G.S. 105-164.13(5k)

**Description:** Sales of the following to a secondary metals recycler: (a) equipment, or an attachment or repair part for equipment, that (i) is capitalized for tax purposes under the Code; (ii) is used by the person in the secondary metals recycling process, and (iii) is not a motor vehicle or an attachment or repair part for a motor vehicle; (b) fuel, piped natural gas, or electricity for use at the person's facility at which the primary activity is secondary metals recycling.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2016-94, effective July 1, 2016)

**Estimate (in millions):** Unavailable

**43. Precious Metals Extraction Equipment**

**Citation:** G.S. 105-164.13(5l)

**Description:** Sales of equipment, or an attachment or repair part for equipment, that meets all the following requirements: (a) is sold to a company primarily engaged at the establishment in processing tangible personal property for the purposes of extracting precious metals to determine the value for potential purchase, (b) is capitalized for tax purposes under the Code, (c) is used by the company in the process.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2016-94, effective July 1, 2016)

**Estimate (in millions):** Unavailable

**44. Large Metal Fabricator Equipment**

**Citation:** G.S. 105-164.13(5m)

**Description:** Sales of equipment, or an attachment or repair part for equipment, that (a) is sold to a company that is engaged in the fabrication of metal work and that has annual gross receipts of at least \$8 million; (b) is capitalized for tax purposes under the Code; (c) is used by the company at the establishment in the fabrication or manufacture of metal products or used by the company to create equipment for the fabrication or manufacture of metal products.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F (S.L. 2016-94, effective July 1, 2016)

**Estimate (in millions):** Unavailable

**45. Ready-Mix Concrete Mill Parts**

**Citation:** G.S. 105-164.13(5n)

**Description:** Sales of repair or replacement parts for a ready-mix concrete mill, regardless of whether the mill is freestanding or affixed to a motor vehicle, to a company that primarily sells ready-mix concrete.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2018; items had previously been subject to tax under Article 5F

**Estimate (in millions):** Unavailable

**46. Large Fulfillment Facility Equipment**

**Citation:** G.S. 105-164.13(5o)

**Description:** Sales of equipment, or an accessory, an attachment, or a repair part for equipment, that (a) is sold to a large fulfillment facility, (b) is used at the facility in the distribution process, which includes receiving, inventorying, sorting, repackaging, or distributing finished retail products, (c) is not electricity.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2017

**Estimate (in millions):** Unavailable

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**47. Aquacultural Products in Raw State**

**Citation:** G.S. 105-164.13(7)

**Description:** Exemption for sales of products of waters in their original or non-manufactured state when such sales are made by the producer in the capacity of producer. Fish and seafoods are likewise exempt when sold by the fisherman in that capacity.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** Unavailable

**Note:** No information on direct retail sales by producers for this category was available.

**48. Fuel for Small Power Production Facility**

**Citation:** G.S. 105-164.13(8a)

**Description:** Exemption for sales of fuel to a small power production facility used by the facility to generate electricity. A small power production facility is defined by 16 USC § 796(17)(A) as a facility that produces energy using primarily renewable resources and has a power production capacity of not more than 80 megawatts.

**Enacting Legislation:** S.L. 1989-989 - effective July 1, 1991

**Estimate (in millions):** Unavailable

**49. Tangible Property Purchased for Commercial Fishing**

**Citation:** G.S. 105-164.13(9)

**Description:** Sales of boats, fuel oil, lubricating oils, machinery, equipment, nets, rigging, paints, parts, accessories, and supplies used in commercial fishing.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** FY17-18..... \$1.3      FY18-19..... \$1.3

**Data Source:** NC Fisheries Association, NC Division of Marine Fisheries; Department of Revenue tax data

**50. Items Used by Laundries and Dry Cleaning Businesses**

**Citation:** G.S. 105-164.13(10)

**Description:** Sales to commercial laundries or to dry cleaning establishments of articles or materials used for the identification of garments being laundered or dry cleaned, wrapping paper, bags, hangers, starch, soaps, and similar items applied directly to the garments. As of January 1, 2006, this section also exempts laundry and dry-cleaning machinery, parts and accessories attached to the machinery, lubricants applied to the machinery, and fuel, other than electricity.

**Enacting Legislation:** S.L. 1957-1340; S.L. 2005-276 for laundering machinery, parts and accessories, and lubricants - these items were subject to a 1% tax with an \$80 maximum per article prior to January 1, 2006. Fuel was subject to a 1% tax prior to January 1, 2006.

**Estimate (in millions):** FY17-18..... \$1.5      FY18-19..... \$1.5

**Data Source:** 2012 & 2007 Economic Census, US Census Bureau; Department of Revenue tax data

**51. Lubricants, Materials and Electricity Used by Major Recycling Facility**

**Citation:** G.S. 105-164.13(10a)

**Description:** Sales to major recycling facility of (a) lubricants and other additives for motor vehicles or machinery; (b) materials and supplies used or consumed in the facility; (c) electricity used at the facility.

**Enacting Legislation:** S.L. 1998-55 - effective for sales on or after July 1, 1998

**Estimate (in millions):** FY17-18..... \$3.4      FY18-19..... \$3.4

**Data Source:** Department of Revenue tax data; 2007 Economic Census materials-consumed data for steel mills

**52. Motor Fuel or Alternative Fuel Taxed by Articles 36C or 36D**

**Citation:** G.S. 105-164.13(11)

**Description:** Motor fuel, as defined in G.S. 105-449.60, except motor fuel for which a refund of the per gallon excise tax is allowed under G.S. 105-449.105A or G.S. 105-449.107; alternative fuel taxed under Article 36D of this Chapter, unless a refund of that tax is allowed under G.S. 105-449.107.

**Enacting Legislation:** S.L. 1947-501

**Estimate (in millions):** FY17-18..... \$0.0      FY18-19..... \$0.0

**Data Source:** Department of Revenue tax records; Energy Information Administration

**Note:** The estimate is the amount of tax that would be collected at the State tax rate of 4.75% in excess of the amount collected by the excise tax on motor fuels

**53. Diesel Fuel for Railroads**

**Citation:** G.S. 105-164.13(11a)

**Description:** Diesel fuel for railroad companies for use in rolling stock other than motor vehicles.

**Enacting Legislation:** S.L. 1995-451 - effective September 1, 1995

**Estimate (in millions):** FY17-18..... \$9.0      FY18-19..... \$9.6

**Data Source:** Association of American Railroads; Surface Transportation Board

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### 54. Fuel Purchases by an Interstate Air Business

**Citation:** G.S. 105-164.13(11b)

**Description:** Sales of aviation gasoline and jet fuel to an interstate air business for use in a commercial aircraft.

**Enacting Legislation:** S.L. 2015-259 – effective Jan. 1, 2016

**Sunset Date:** Jan. 1, 2020

**Estimate (in millions):** FY17-18..... \$15.0      FY18-19..... \$15.0

**Data Source:** Legislative fiscal note for House Bill 117 (2015)

### 55. Durable Medical Equipment

**Citation:** G.S. 105-164.13(12)

**Description:** Sales of (a) prosthetic devices for human use; (b) mobility-enhancing equipment sold on a prescription; (c) durable medical equipment sold on prescription; (d) durable medical supplies sold on prescription; (e) human blood, including whole, plasma, and derivatives; (f) human tissue, eyes, DNA, or an organ.

**Enacting Legislation:** S.L. 1943-400 - effective July 1, 1943; S.L. 2017-204 added the last two items, effective Aug. 11, 2017

**Estimate (in millions):** FY17-18..... \$85.1      FY18-19..... \$89.6

**Data Source:** Centers for Medicare & Medicaid Services (2015): National Health Expenditure Projections

**Note:** The estimate does not include sales to patients in hospitals, nursing homes, and other provider settings, although optical goods sold by optometrists are included.

### 56. Prescription Drugs and Insulin for Human Use

**Citation:** G.S. 105-164.13(13)

**Description:** Drugs required by federal law to be dispensed only on prescription, over-the-counter drugs sold on prescription, and insulin.

**Enacting Legislation:** S.L. 1937-406; the exemption for insulin was added by S.L. 1988-937, effective for sales on or after August 1, 1988.

**Estimate (in millions):** FY17-18..... \$662.9      FY18-19..... \$708.8

**Data Source:** Centers for Medicare & Medicaid Services (2015): National Health Expenditure Projections

**Note:** The estimate does not include sales to patients in hospitals, nursing homes, and other provider settings.

**57. Drugs Prescribed by a Veterinarian**

**Citation:** G.S. 105-164.13(13)

**Description:** Drugs required by federal law to be dispensed only on prescription and over-the-counter drugs sold on prescription (by veterinarians).

**Enacting Legislation:** S.L. 1985-555, effective July 1, 1985, added veterinarians to the list of professionals whose prescriptions were exempt. S.L. 1953-983 had added veterinarians previously, but that statute was repealed by S.L. 1961-826.

**Estimate (in millions):** FY17-18..... \$18.0      FY18-19..... \$18.8

**Data Source:** American Veterinary Medical Association; 2012 Economic Census

**Note:** The estimate does not include vaccines and medications for farm animals, which are mainly exempt under G.S. 105-164.13E(6)a.

**58. Public School Books**

**Citation:** G.S. 105-164.13(14)

**Description:** Sales of public school books on the adopted list, the selling price of which is set by State contract.

**Enacting Legislation:** S.L. 1933-445

**Estimate (in millions):** Unavailable

**59. Accounts of Sales Charged Off for Income Purposes**

**Citation:** G.S. 105-164.13(15)

**Description:** Accounts of purchasers, representing taxable sales, on which the sales and use tax has been paid, that are found to be worthless and actually charged off for income tax purposes may be deducted from gross sales. In the case of a municipality that sells electricity, the account may be deducted if it meets all the conditions for charge-off that would apply if the municipality were subject to income tax.

**Enacting Legislation:** S.L. 1933-445

**Estimate (in millions):** Unavailable

**60. Sales by Blind Merchants**

**Citation:** G.S. 105-164.13(20)

**Description:** Sales by blind merchants operating under supervision of the Department of Health and Human Services.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** FY17-18..... \$0.5      FY18-19..... \$0.5

**Data Source:** Business Enterprise Program statistics from the N.C. Department of Health and Human Services, Division of Services for the Blind

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### 61. Lease or Rental of Films for Exhibition

**Citation:** G.S. 105-164.13(21)

**Description:** Lease or rental of motion picture films used for exhibition purposes where the lease or rental of such property is an established business or part of an established business.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** FY17-18..... \$6.8      FY18-19..... \$7.0

**Data Source:** Department of Revenue tax data; 2016 Service Annual Survey (US Census Bureau)

### 62. Lease or Rental of Films, Transcriptions and Recordings to Broadcasters

**Citation:** G.S. 105-164.13(22)

**Description:** Lease or rental of films, motion picture films, transcriptions and recordings to radio stations and television stations operating under a certificate from the Federal Communications Commission.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** FY17-18..... \$13.5      FY18-19..... \$14.2

**Data Source:** 2016 Service Annual Survey (US Census Bureau); 2012 Economic Census

### 63. Audiovisual Masters

**Citation:** G.S. 105-164.13(22a)

**Description:** Sales of audiovisual masters made or used by a production company in making images for first generation reproduction.

**Enacting Legislation:** S.L. 1997-521 - effective Oct. 1, 1997

**Estimate (in millions):** FY17-18..... \$0.9      FY18-19..... \$0.9

**Data Source:** 2016 Service Annual Survey (US Census Bureau); Bureau of Labor Statistics

### 64. Packaging Items for Manufacturers

**Citation:** G.S. 105-164.13(23)a

**Description:** Sales of the following packaging items: wrapping paper, cloth, plastic bags, labels, wrapping twine, packages and containers, cartons, cores, cones or spools, wooden boxes, baskets, coops and barrels, and like articles sold to manufacturers, when such materials constitute a part of the sale of tangible personal property.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** FY17-18..... \$77.4      FY18-19..... \$79.7

**Data Source:** 2012 Economic Census; Bureau of Labor Statistics

**Note:** Packaging costs related to glass, plastic and metal containers that are likely to be included in final products for resale were not included in the estimates.

**65. Packaging Items for Retailers**

**Citation:** G.S. 105-164.13(23)a

**Description:** Sales of the following packaging items: wrapping paper, cloth, plastic bags, labels, wrapping twine, packages and containers, cartons, including paper cups, napkins and drinking straws and like articles sold to retailers, when such materials constitute a part of the sale of tangible personal property.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):** FY17-18..... \$20.1      FY18-19..... \$20.7

**Data Source:** Business Expenses Estimates from 2012 Economic Census; Bureau of Labor Statistics

**Note:** The estimate includes costs associated with retail trade, wholesale trade and food services. Due to possibility of resale, only 20% of wholesale packaging costs are included in the estimates.

**66. Packaging Returned to Seller**

**Citation:** G.S. 105-164.13(23)b

**Description:** Packaging that is required to be returned to seller.

**Enacting Legislation:** S.L. 1997-397 - effective Oct. 1, 1997

**Estimate (in millions):** Unavailable

**Note:** Prior to the enactment of this exemption, these items were being taxed as reusable containers. In practice, many of these containers contained ingredient materials that were exempt from taxation. The sellers of the products were taxed on the lease of the containers.

**67. Food Sold in a School**

**Citation:** G.S. 105-164.13(26)

**Description:** Food and prepared food sold in a school building during the regular school day.

**Enacting Legislation:** S.L. 1961-826 - effective July 1, 1961

**Estimate (in millions):** FY17-18..... \$11.3      FY18-19..... \$11.5

**Data Source:** Department of Public Instruction; Division of Non-Public Education, Department of Administration

**Note:** Meals paid by federal or state funds were excluded from the estimate.

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### 68. Food Sold by a Public School Cafeteria to Certain Childcare Centers

**Citation:** G.S. 105-105.164.13(26b)

**Description:** Sales of food sold not for profit by a public school cafeteria to a childcare center that participates in the Child and Adult Care Food Program.

**Enacting Legislation:** S.L. 1991-931 - effective Aug. 1, 1992

**Estimate (in millions):** FY17-18..... \$0.4      FY18-19..... \$0.4

**Data Source:** Food and Nutrition Service, US Department of Agriculture

### 69. Food Sold Not for Profit Related to a School

**Citation:** G.S. 105-105.164.13(26a)

**Description:** Food, prepared food, soft drinks, candy and other items sold not for profit for or at an event that is sponsored by an elementary or secondary school when the net proceeds of the sales will be given or contributed to the school or to a nonprofit charitable organization, one of whose purposes is to serve as a conduit through which the net proceeds will flow to the school.

**Enacting Legislation:** S.L. 2016-5 - effective Jan. 1, 2017

**Estimate (in millions):** Unavailable

### 70. Meals for the Elderly

**Citation:** G.S. 105-164.13(31)

**Description:** Sales of meals not for profit to elderly and incapacitated persons by charitable or religious organizations not operated for profit which are entitled to the refunds provided by G.S. 105-164.14(b), when such meals are delivered to the purchasers at their places of abode.

**Enacting Legislation:** S.L. 1975-982 - effective July 1, 1976

**Estimate (in millions):** FY17-18..... \$1.2      FY18-19..... \$1.3

**Data Source:** Meals on Wheels data from Wake, Mecklenburg, Cabarrus and Rowan Counties

### 71. Food Sold by a Church or Religious Organization

**Citation:** G.S. 105-164.13(31a)

**Description:** Food sold by a church or religious organization not operated for profit when proceeds are used for religious purposes.

**Enacting Legislation:** S.L. 1989-1060 - effective for sales on or after Oct. 1, 1990

**Estimate (in millions):** Unavailable

**72. Motor Vehicle Exemption Less Highway Use Tax**

**Citation:** G.S. 105-164.13(32)

**Description:** Sales of motor vehicles, the sale of a motor vehicle body to be mounted on a motor vehicle chassis when a certificate of title has not been issued for the chassis, and the sale of a motor vehicle body mounted on a motor vehicle chassis that temporarily enters the State so the manufacturer of the body can mount the body or chassis.

**Enacting Legislation:** S.L. 1989-692 added the exemption for motor vehicles and created the Highway Use Tax. Motor vehicles had been taxed under the sales tax prior to this and were taxed at preferential rates with a cap.

**Estimate (in millions):** FY17-18..... \$662.8      FY18-19..... \$689.3

**Data Source:** NC Department of Transportation; NC Department of Revenue

**Note:** The estimate only includes the sales of vehicles. The estimate is the additional revenue that would be collected at the 4.75% sales tax rate above the 3% Highway Use Tax. It is assumed that there would be no trade-in allowance (see estimate for G.S. 105-187.3(b)).

**73. Sales by Nonprofits Whose Proceeds Go to the State**

**Citation:** G.S. 105-164.13(34)

**Description:** Sales of items by a nonprofit civic, charitable, educational, scientific or literary organization when the net proceeds of the sales will be given to the State of North Carolina or to one of its agencies or instrumentalities, or to one or more nonprofit charitable organizations, one of whose purposes is to serve as a conduit through which such net proceeds will flow to the State or to one or more of its agencies or instrumentalities.

**Enacting Legislation:** S.L. 1979-801 - effective for sales on or after Jan. 1, 1974

**Estimate (in millions):** Unavailable

**74. Sales by Nonprofits Conducted Annually**

**Citation:** G.S. 105-164.13(35)

**Description:** Sales by nonprofits conducted annually when the proceeds are used for the organization's activities. The products sold must be delivered to the purchaser within 60 days after the first solicitation of any sale made during the organization's annual sales period.

**Enacting Legislation:** S.L. 1979-801 - effective for sales on or after July 1, 1979

**Estimate (in millions):** FY17-18..... \$2.1      FY18-19..... \$2.2

**Data Source:** Girl Scout & Boy Scout receipts from Guidestar

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**75. Advertising Supplements Sold with Newspapers**

**Citation:** G.S. 105-164.13(36)

**Description:** Advertising supplements and any other printed matter ultimately to be distributed with or as part of a newspaper.

**Enacting Legislation:** S.L. 1983-873 – effective July 20, 1983

**Estimate (in millions):** FY17-18..... \$0.5      FY18-19..... \$0.4

**Data Source:** Annual reports of publicly-traded newspaper companies; 2016 Service Annual Survey (US Census Bureau)

**76. Components of Free Distribution Periodicals**

**Citation:** G.S. 105-164.13(39)

**Description:** Sales of paper, ink, and other tangible personal property to commercial printers and commercial publishers for use in free distribution periodicals and sales by printers of free distribution periodicals to the publishers of these periodicals.

**Enacting Legislation:** S.L. 1985-656 - effective Oct. 1, 1985; S.L. 1999-438 repealed this exemption, effective Oct. 1, 1999; S.L. 2004-124 reinstated this exemption, effective July 1, 2005

**Estimate (in millions):** Unavailable

**Note:** An estimate was provided by a legislative fiscal note for House Bill 1149 (2003-04 session)

**77. Sales to the Department of Transportation**

**Citation:** G.S. 105-164.13(40)

**Description:** Sales to the North Carolina Department of Transportation. This exemption does not apply to sales of tangible personal property to contractors for use in the performance of contracts with the Department of Transportation.

**Enacting Legislation:** S.L. 1985-973 - effective Aug. 1, 1986

**Estimate (in millions):** FY17-18..... \$0.0      FY18-19..... \$0.0

**Note:** Additional sales tax revenue would be offset by additional State costs.

**78. Mobile Classrooms Purchased by Boards of Education or Community Colleges**

**Citation:** G.S. 105-164.13(41)

**Description:** Sales of mobile classrooms to local boards of education or to local boards of trustees of community colleges.

**Enacting Legislation:** S.L. 1993-484 - effective Oct. 1, 1993; this exemption was enacted when mobile offices and classrooms became taxable under the sales tax rather than the highway use tax.

**Estimate (in millions):** FY17-18..... \$0.5      FY18-19..... \$0.5

**Data Source:** NC Public Schools; various LEA budgets

**79. Articles Donated by Retailer or Wholesaler**

**Citation:** G.S. 105-164.13(42)

**Description:** Tangible personal property that is purchased by a retailer for resale or is manufactured or purchased by a wholesale merchant for resale and then withdrawn from inventory and donated by the retailer or wholesale merchant.

**Enacting Legislation:** S.L. 1996-14 - effective Aug. 1, 1996

**Estimate (in millions):** Unavailable

**80. Custom Computer Software**

**Citation:** G.S. 105-164.13(43)

**Description:** Sales of custom computer software and the portion of prewritten computer software that is modified or enhanced if the modification or enhancement is designed and developed to the specifications of a specific purchaser.

**Enacting Legislation:** S.L. 1983-713 excluded custom computer software from the definition of "tangible property"; S.L. 1997-370, effective for sales made on or after Oct. 1, 1997, changed the statutes to the more restrictive exemption.

**Estimate (in millions):** FY17-18..... \$64.3      FY18-19..... \$67.3

**Data Source:** Revenues of software publishers and computer systems design companies from "custom applications design and development," 2016 Service Annual Survey, US Census Bureau

**81. Certain Computer Software**

**Citation:** G.S. 105-164.13(43a)

**Description:** Computer software that meets any of the following descriptions: (a) it is designed to run on an enterprise server operating system, (b) it is sold to a person who operates a datacenter and is used within the datacenter, (c) it is sold to a person who provides cable service; telecommunications service, or video programming and is used to provide ancillary service, cable service, Internet access service, telecommunications service, or video programming.

**Enacting Legislation:** S.L. 2009-451 - effective Jan. 1, 2010. Prior to this legislation, digital downloads were not subject to the sales tax.

**Estimate (in millions):** Unavailable

**82. Certain Software or Digital Property**

**Citation:** G.S. 105-164.13(43b)

**Description:** Effective January 1, 2010: Computer software or digital property that becomes a component part of other computer software or digital property that is offered for sale or of a service that is offered for sale.

**Enacting Legislation:** S.L. 2009-451 - effective Jan. 1, 2010

**Estimate (in millions):** Unavailable

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### 83. Certain Items Purchased by Interstate Passenger Air Carriers

**Citation:** G.S. 105-164.13(45)

**Description:** Sales of aircraft lubricants, repair parts and accessories to an interstate passenger air carrier for use at its hub.

**Enacting Legislation:** S.L. 1999-360 - effective Jan. 1, 2001

**Estimate (in millions):** Unavailable

### 84. Lubricants and Parts Used in Maintenance of Commercial Aircraft

**Citation:** G.S. 105-164.13(45a)

**Description:** Sales to an interstate air business of tangible personal property that becomes a component part of or is dispensed as a lubricant into commercial aircraft during its maintenance, repair, or overhaul.

**Enacting Legislation:** S.L. 2004-124 - effective Oct. 1, 2004

**Estimate (in millions):** FY17-18..... \$5.0      FY18-19..... \$5.0

**Data Source:** 2016 Service Annual Survey; share of maintenance material in airline expenses from Air Transport Association "Quarterly Cost Index"

### 85. Certain Items Purchased by Interstate Air Couriers

**Citation:** G.S. 105-164.13(45b)

**Description:** Sales to interstate air courier (a) aircraft lubricants, repair parts and accessories, (b) materials handling equipment, racking systems, and related parts and accessories for the storage or handling and movement of tangible personal property at an airport or in a warehouse or distribution facility.

**Enacting Legislation:** S.L. 1999-360 added part (a) of this exemption, effective Jan. 1, 2001; S.L. 2005-276, effective Oct. 1, 2005, added the remaining parts; these items were previously subject to a 1% tax, with a \$80 cap per item since Jan. 1, 2001 (S.L. 1998-55)

**Estimate (in millions):** Unavailable

### 86. Aircraft Simulators

**Citation:** G.S. 105-164.13(45c)

**Description:** Sales of aircraft simulators to a company for flight crew training and maintenance training.

**Enacting Legislation:** S.L. 2009-511, effective Oct. 1, 2009; S.L. 2005-276 had allowed an exemption only for interstate air carriers; purchases by interstate air carriers or interstate air couriers were previously taxed at 1%, with a \$80 cap, effective for purchases made on or after May 1, 1999 (S.L. 1999-360)

**Estimate (in millions):** Unavailable

**87. Items Related to Qualified Aircraft or Qualified Jet Engine**

**Citation:** G.S. 105-164.13(45d)

**Description:** Parts and accessories for use in the repair or maintenance of a qualified aircraft or a qualified jet engine.

**Enacting Legislation:** S.L. 2015-259 – effective Oct. 1, 2015

**Estimate (in millions):** Unavailable

**88. Electricity to Municipalities Supplied by Federal Agency**

**Citation:** G.S. 105-164.13(46)

**Description:** Sales of electricity by a municipality whose only wholesale provider is a federal agency and who is required by a contract with that federal agency to make payments in lieu of taxes.

**Enacting Legislation:** S.L. 1999-438 - prior to this, the exemption was included in the definition of "utility" in G.S. 105-164.3 when the sales tax was applied to electricity in 1985 - S.L. 1985-23.

**Estimate (in millions):** FY17-18..... \$0.9      FY18-19..... \$0.9

**Data Source:** NC Treasurer Report on Municipal Electrical Systems

**Note:** The estimates are based on a 7% combined State rate. No deduction to the estimates is made to account for municipal distributions.

**89. Delivery Charges of Direct Mail**

**Citation:** G.S. 105-164.13(49a)

**Description:** Delivery charges for delivery of direct mail if the charges are separately stated on an invoice.

**Enacting Legislation:** S.L. 2004-124 - effective Oct. 1, 2004

**Estimate (in millions):** Unavailable

**Note:** An estimate was provided by a legislative fiscal note for HB 1414 (2003-04 session)

**90. Goods Sold Through Vending Machines**

**Citation:** G.S. 105-164.13(50)

**Description:** 50% of the sales price of goods sold through coin-operated vending machines, except tobacco and newspapers.

**Enacting Legislation:** S.L. 1987-854 - effective July 1, 1989; this exemption was originally included in G.S. 105-164.3 under the definition of "sales price"

**Estimate (in millions):** FY17-18..... \$22.8      FY18-19..... \$23.5

**Data Source:** "2017 State of the Vending Industry Report," Automatic Merchandiser; 2012 Economic Census

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### 91. Water Delivered Through Main Pipes

**Citation:** G.S. 105-164.13(51)

**Description:** Water delivered through main lines for either commercial or domestic use or consumption.

**Enacting Legislation:** S.L. 2003-284 -- prior to this, water delivered through main lines or pipes was excluded from tax because it was excluded from the definition of tangible personal property.

**Estimate (in millions):** FY17-18..... \$108.4      FY18-19..... \$112.2

**Data Source:** NC Department of Energy and Natural Resources; "Statistical Information on Water and Sewer Operations," North Carolina Department of State Treasurer

**Note:** The estimate only considers a sales tax on the variable rates on water consumption. It does not include fixed charges or wastewater rates. Prior to July 1, 2014, there was a franchise tax on water companies subject to regulation by the North Carolina Utilities Commission; the tax is 4% of taxable gross receipts from the operation of a water system and 6% of gross receipts from the operation of a public sewer system; however, systems owned by counties and municipal corporations are exempt from the franchise tax.

### 92. Sales to State Agencies

**Citation:** G.S. 105-164.13(54)

**Description:** Items subject to sales and use tax under G.S. 105-164.4, other than electricity, telecommunications service, and ancillary service. The items must be purchased by a State agency for its own use and in accordance with G.S. 105-164.29A.

**Enacting Legislation:** S.L. 2003-431, effective for sales made on or after July 1, 2004

**Estimate (in millions):** FY17-18..... \$0.0      FY18-19..... \$0.0

### 93. Aerial Survey Data

**Citation:** G.S. 105-164.13(53)

**Description:** Sales to a professional land surveyor of tangible personal property on which custom aerial survey data is stored in digital form or is depicted in graphic form.

**Enacting Legislation:** S.L. 2004-124 - effective Oct. 1, 2004

**Estimate (in millions):** Unavailable

### 94. Pay Telephone Services

**Citation:** G.S. 105-164.13(54)b

**Description:** Receipts of a pay telephone provider from the sale of pay telephone services.

**Enacting Legislation:** S.L. 2001-430 - effective Jan. 1, 2002. Pay telephone calls that are paid for by coin were exempt by S.L. 1998-197, effective Jan. 1, 2000.

**Estimate (in millions):** Unavailable

**95. 911 Charges****Citation:** G.S. 105-164.13(54)c**Description:** 911 charges imposed under G.S. 62A-43 and remitted to the 911 Fund under that section.**Enacting Legislation:** S.L. 2001-430 - effective Jan. 1, 2002**Estimate (in millions):** FY17-18..... \$5.7      FY18-19..... \$5.7**Data Source:** 2015 Biennial Legislative Report, NC 911 Board**Note:** The estimate is based on the State tax rate on telecommunications, which is 7% for the relevant time periods.**96. Telephone Charges Related to Occupancy of an Accommodation****Citation:** G.S. 105-164.13(54)d**Description:** Charges for telephone service made by a hotel, motel, or another entity whose gross receipts are taxable under G.S. 105-164.4(a)(3) when the charges are incidental to the occupancy of the entity's accommodations.**Enacting Legislation:** S.L. 2001-430 - effective Jan. 1, 2002**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1**Data Source:** 2012 Economic Census product-line data for accommodations**Note:** The estimate is based on the State tax rate on telecommunications, which is 7% for the relevant time periods.**97. Charges Related to N.C. Information Highway and Other Government Data Networks****Citation:** G.S. 105-164.13(54)e**Description:** Charges to a State agency or to a local unit of government for the North Carolina Information Highway and other data networks owned or leased by the State or unit of local government.**Enacting Legislation:** S.L. 2001-487 - effective Jan. 1, 2002**Estimate (in millions):** Unavailable**98. Electricity and Equipment for an Eligible Internet Datacenter****Citation:** G.S. 105-164.13(55)**Description:** Sales of electricity and certain business property to an eligible Internet datacenter. The datacenter must be located in a Tier 1 or Tier 2 county and at least \$250 million must be invested in real or eligible business property over 5 years. Eligible business property includes equipment cooling systems; equipment used in the generation, transformation, transmission, distribution, or management of electricity; and property used to provide related computer engineering or computer science research.**Enacting Legislation:** S.L. 2006-66 - effective for sales on or after Oct. 1, 2006**Estimate (in millions):** Unavailable

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### 99. Electricity and Equipment for a Qualifying Datacenter

**Citation:** G.S. 105-164.13(55)

**Description:** Sales of electricity and datacenter support equipment to an eligible datacenter. The datacenter must invest at least \$75 million in real or tangible property within a 5-year period, beginning on or after Jan. 1, 2012.

**Enacting Legislation:** S.L. 2015-259 - effective Jan. 1, 2016

**Estimate (in millions):** FY17-18..... \$4.0      FY18-19..... \$4.0

**Data Source:** Legislative Fiscal Note for House Bill 117 (2015)

### 100. Locomotives, Cranes and Trucks for a Railroad Intermodal Facility

**Citation:** G.S. 105-164.13(56)

**Description:** Sales to the owner or lessee of an eligible railroad intermodal facility of intermodal cranes, intermodal hostler trucks, and railroad locomotives that reside on the premises of the facility and are used at the facility.

**Enacting Legislation:** S.L. 2007-323 - effective Jan. 1, 2007

**Estimate (in millions):** Unavailable

### 101. Electricity Used by Manufacturers

**Citation:** G.S. 105-164.13(57)

**Description:** Electricity sold to a manufacturer for use in connection with the operation of a manufacturing plant. The exemption does not apply to electricity used at a facility at which the primary activity is not manufacturing.

**Enacting Legislation:** S.L. 2007-397 - effective July 1, 2010; prior to this, electricity for manufacturing had a preferential tax rate of 2.83% (S.L. 1996 2nd extra session-2013), which was phased out between Oct. 1, 2007 and June 30, 2010.

**Estimate (in millions):** FY17-18..... \$98.4      FY18-19..... \$99.5

**Data Source:** Department of Revenue tax data; Energy Information Administration

**Note:** Estimates for electricity purchases made on or after July 1, 2014 are based on the 7% State combined tax rate. No deduction to the estimates is made to account for related distributions to municipalities of a share of tax revenues.

### 102. Piped Natural Gas Used by Manufacturers

**Citation:** G.S. 105-164.13(57)

**Description:** Piped natural gas sold to a manufacturer for use in connection with the operation of a manufacturing plant. Piped natural gas used for comfort heating only is not included in this exemption.

**Enacting Legislation:** S.L. 2007-397 - effective July 1, 2010; prior to this, the piped natural gas tax implicitly gave manufacturers a tax break by having a tax schedule that gave reduced rates to large end-users; rates for manufacturers were further reduced between Oct. 1, 2007 and June 30, 2010.

**Estimate (in millions):** FY17-18..... \$149.8      FY18-19..... \$151.6

**Data Source:** Department of Revenue tax databases; Energy Information Administration

**Note:** Estimates for piped natural gas purchases made on or after July 1, 2014 are based on the 7% State combined tax rate. The estimate includes purchases used by power plants to generate electricity. No deduction to the estimates is made to account for related distributions to municipalities of a share of tax revenues.

**103. Other Fuel Used by Manufacturers**

**Citation:** G.S. 105-164.13(57)

**Description:** Other fuel sold to a manufacturer for use in connection with the operation of a manufacturing plant.

**Enacting Legislation:** S.L. 2007-397 - effective July 1, 2010; prior to this, fuel for manufacturing had a preferential tax rate of 1% (S.L. 1961-826), which was phased out between Oct. 1, 2007 and June 30, 2010; S.L. 1955-1313 exempted fuel for manufacturing

**Estimate (in millions):** FY17-18..... \$13.7      FY18-19..... \$14.0

**Data Source:** Department of Revenue tax databases; Energy Information Administration

**Note:** Estimates are based on the 4.75% State sales and use tax rate.

**104. Electricity and Fuel Used by a Secondary Metals Recycler**

**Citation:** G.S. 105-164.13(57a)

**Description:** Tangible personal property purchased with a client assistance debit card issued for disaster assistance relief by a State agency or a federal agency or instrumentality.

**Enacting Legislation:** S.L. 2016-94 - effective July 1, 2016

**Repeal Date:** repealed effective July 1, 2018 (S.L. 2017-57) - moved to G.S. 105-164.13(5k)

**Estimate (in millions):** Unavailable

**105. Disaster Assistance Debit Card Purchases**

**Citation:** G.S. 105-164.13(58)

**Description:** Tangible personal property purchased with a client assistance debit card issued for disaster assistance relief by a State agency or a federal agency or instrumentality.

**Enacting Legislation:** S.L. 2008-107 - effective Aug. 1, 2008

**Estimate (in millions):** Unavailable

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### 106. Interior Design Services

**Citation:** G.S. 105-164.13(59)

**Description:** Interior design services provided in conjunction with the sale of tangible personal property.

**Enacting Legislation:** S.L. 2008-107 - effective Aug. 1, 2008

**Estimate (in millions):** FY17-18..... \$1.7      FY18-19..... \$1.8

**Data Source:** County Business Patterns and Nonemployer Statistics for the relevant industry subsector, 2015

**Note:** The estimate assumes 10% of estimated services would be taxable. The estimate does not factor in sales of decorator charges by other types of businesses, such as furniture stores. In general, charges by retailers for services necessary to complete a sale of tangible personal property are considered part of the sales price and are therefore taxable. The Department of Revenue issued a technical bulletin related to interior design services prior to this exemption setting out guidelines for taxpayers regarding when the services would be taxable.

### 107. Motor Vehicle Service Contract

**Citation:** G.S. 105-164.13(61)

**Description:** A motor vehicle service contract is exempt.

**Enacting Legislation:** S.L. 2015-259 - effective March 1, 2016 (re-codified by S.L. 2017-204)

**Estimate (in millions):** Unavailable

**Note:** Service contracts on motor vehicles were taxable as of Jan. 1, 2014 and prior to March 1, 2016. Repair & maintenance services related to service contracts (except manufacturer or dealer warranties) were taxable as of March 1, 2016.

### 108. Service Contracts or RMI Services on Exempt Items

**Citation:** G.S. 105-164.13(61a)

**Description:** Receipts from service contracts and RMI services related to an item exempt from tax under this Article are exempt. Also, property and services used to fulfill a service or contract for this item are exempt. This exemption does not apply to water for a pool, fish tank or similar aquatic feature or to a motor vehicle, except as provided under G.S. 105-164.13(62a).

**Enacting Legislation:** S.L. 2013-316 - effective Jan. 1, 2014 for service contracts; effective March 1, 2016 for RMI services

**Estimate (in millions):** FY17-18..... \$152.7      FY18-19..... \$159.8

**Data Source:** Based on this report's estimates of the following exempt items: equipment exempt by G.S. 105.164.13(5a) through G.S. 105-164.13(5o); durable medical equipment; commercial logging machinery; and datacenter equipment. The estimate of service contract rate is derived from the "service contract" product line for retailers in 2012 Economic Census, US Census Bureau; repair and maintenance costs are estimated based on 2015 Annual Survey of Manufacturers (US Census Bureau)

**109. Motor Vehicle Emissions and Safety Inspection Fee**

**Citation:** G.S. 105-164.13(61a)b

**Description:** A motor vehicle emissions and safety inspection fee imposed pursuant to G.S. 20-183.7, provided the fee is separately stated on the invoice or other documentation provided to the purchaser at the time of sale.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$8.0      FY18-19..... \$8.1

**Data Source:** Estimates based on NC DOT Highway Fund financial statements

**110. Services Performed by a Related Person**

**Citation:** G.S. 105-164.13(61a)c

**Description:** Services performed for a person by a related member.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):** Unavailable

**111. Services Related to Cleaning of Real Property**

**Citation:** G.S. 105-164.13(61a)d

**Description:** Cleaning of real property, except where the service constitutes a part of the gross receipts derived from the rental of an accommodation subject to tax under G.S. 105-164.4 or for a pool, fish tank, or other similar aquatic feature.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$62.1      FY18-19..... \$65.9

**Data Source:** 2012 Economic Census; County Business Patterns (US Census); Nonemployer Statistics (US Census)

**112. Services on Roads, Driveways, Parking Lots, & Sidewalks**

**Citation:** G.S. 105-164.13(61a)e

**Description:** Services on roads, driveways, parking lots, and sidewalks.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):** Unavailable

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### 113. Removal of Waste and Debris

**Citation:** G.S. 105-164.13(61a)f

**Description:** Removal of waste, trash, debris, grease, snow, and other similar items from property, other than a motor vehicle. The exemption applies to household and commercial trash collection and removal services. The exemption applies to the removal of septage from property, including motor vehicles, but does not include removal of septage from portable toilets.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$44.3        FY18-19..... \$46.6

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 114. Certain Real Property Inspections

**Citation:** G.S. 105-164.13(61a)g

**Description:** An inspection performed where the results are included in a report for the sale or financing of real property; an inspection of the structural integrity of real property; an inspection to a system that is a capital improvement under G.S. 105-164.3(2c)f., provided the inspection is to fulfill a safety requirement.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$3.4        FY18-19..... \$3.6

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 115. Alterations & Clothing Repairs

**Citation:** G.S. 105-164.13(61a)h

**Description:** Alteration and repair of clothing, except where the service constitutes a part of the gross receipts derived from the rental of clothing subject to tax under G.S. 105-164.4 or for alteration and repair of belts and shoes.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$14.9        FY18-19..... \$16.1

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 116. Pest Control Service

**Citation:** G.S. 105-164.13(61a)i

**Description:** Pest control services.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$16.0        FY18-19..... \$17.2

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

**117. Moving Services****Citation:** G.S. 105-164.13(61a)j**Description:** Moving services.**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017**Estimate (in millions):** FY17-18..... \$15.6      FY18-19..... \$15.8**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)**118. Self-Service Car Washes****Citation:** G.S. 105-164.13(61a)k**Description:** Self-service car washes and vacuums.**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017**Estimate (in millions):** FY17-18..... \$9.9      FY18-19..... \$10.4**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)**119. Utility Network Assets****Citation:** G.S. 105-164.13(61a)l**Description:** Exempts tax on RMI and service contracts for a transmission, distribution, or other network asset contained on utility-owned land, right-of-way, or easement.**Enacting Legislation:** S.L. 2013-316 - effective Jan. 1, 2014 for service contracts;  
effective March 1, 2016 for RMI services**Estimate (in millions):** Unavailable**120. Qualified Aircraft or Jet Engine****Citation:** G.S. 105-164.13(61a)m**Description:** Exempts tax on RMI and service contracts for a qualified aircraft or qualified jet engine. A qualified aircraft has a maximum take-off weight of more than 9,000 pounds but not in excess of 15,000 pounds.**Enacting Legislation:** 2015-259 - effective Oct. 1, 2015**Estimate (in millions):** Unavailable**121. Additional Aircraft****Citation:** G.S. 105-164.13(61a)m.3**Description:** Exempts tax on RMI services and service contracts on an aircraft with a gross take-off weight of more than 2000 pounds.**Enacting Legislation:** S.L. 2017-204 - effective July 1, 2019**Estimate (in millions):** Unavailable

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### 122. Funeral-Related Services

**Citation:** G.S. 105-164.13(61a)n

**Description:** Funeral-related services, including services for the burial of remains. This exemption does not apply to the sale of tangible personal property, such as caskets, headstones, and monuments.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$15.2      FY18-19..... \$15.8

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 123. Services Performed on an Animal

**Citation:** G.S. 105-164.13(61a)o

**Description:** Services performed on an animal, such as hoof shoeing and microchipping a pet.

**Enacting Legislation:** S.L. 2017-204 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$14.0      FY18-19..... \$15.3

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 124. Items Used to Fulfill Taxable Service Contracts

**Citation:** G.S. 105-164.13(62)

**Description:** An item used to fulfill a taxable service contract if the purchaser of the contract is not charged the item or services. The exemption does not include a tool, equipment, supply or similar item that is not a component or repair part of the property for which a service contract is sold to a purchaser.

**Enacting Legislation:** S.L. 2013-316 - effective Jan. 1, 2014

**Estimate (in millions):** Unavailable

### 125. RMI Services to Fulfill Taxable Service Contracts

**Citation:** G.S. 105-164.13(62)

**Description:** Repair, maintenance, and installation services purchased or used to fulfill a service contract taxable under this Article if the purchaser of the contract is not charged for the services.

**Enacting Legislation:** S.L. 2015-241 - effective March 1, 2016 (modified by SL 2015-259)

**Estimate (in millions):** Unavailable

**126. Repair Parts and RMI Services on Items Covered by a Warranty**

**Citation:** G.S. 105-164.13(62a)

**Description:** Repair parts or repair, maintenance, and installation services used to maintain or repair property or a motor vehicle covered by a manufacturer's warranty or a dealer's warranty.

**Enacting Legislation:** S.L. 2015-259 - effective March 1, 2016

**Estimate (in millions):** Unavailable

**127. Modular & Manufactured Homes**

**Citation:** G.S. 105-164.13(64)

**Description:** Fifty percent of the sales price of a modular or manufactured home, including all accessories attached when delivered to the purchaser.

**Enacting Legislation:** S.L. 2014-100 - effective for sales made on or after Sept. 1, 2014; prior to Jan. 1, 2014, manufactured homes had a preferential tax rate of 2% with a maximum tax of \$300 (S.L. 1957-1340; SL 1989-692) and modular homes had a preferential tax rate of 2.5% (S.L. 2003-400)

**Estimate (in millions):**    FY17-18..... \$10.6            FY18-19..... \$11.2

**Data Source:** Department of Revenue tax data

**128. Motorsports Engine**

**Citation:** G.S. 105-164.13(65)

**Description:** The sale of an engine provided with an operator to a professional motorsports racing team or a related member of a team for use in competition in a sanctioned race series.

**Enacting Legislation:** S.L. 2015-259 - effective Sept. 30, 2015

**Sunset Date:** Jan. 1, 2020

**Estimate (in millions):**    Unavailable

**129. Storage of a Motor Vehicle**

**Citation:** G.S. 105-164.13(66)

**Description:** Storage of a motor vehicle, provided the charge is separately stated on the invoice or other documentation provided to the purchaser at the time of the sale.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$2.0            FY18-19..... \$2.3

**Data Source:** 2012 Economic Census; County Business Patterns (US Census); Nonemployer Statistics (US Census)

## Sales and Use Tax

### 130. Towing Services

**Citation:** G.S. 105-164.13(67)

**Description:** Towing services, provided the charge is separately stated on the invoice or other documentation provided to the purchaser at the time of the sales.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):** FY17-18..... \$5.9      FY18-19..... \$6.0

**Data Source:** 2012 Economic Census; County Business Patterns (US Census);  
Nonemployer Statistics (US Census)

### 131. Wastewater Dispersal System Items

**Citation:** G.S. 105-164.13(68)

**Description:** Sales of products that are made of more than 75% by weight of recycled materials when the products are sold for use in an accepted wastewater dispersal system as defined in G.S. 130A-343. Effective July 1, 2017, other wastewater dispersal systems that are approved the the Department of Health and Human Services were exempted.

**Enacting Legislation:** S.L. 2016-94 - effective Oct. 1, 2016; S.L. 2017-139 expanded the exemption

**Estimate (in millions):** Unavailable

### 132. Coins, Currency and Bullion Sales

**Citation:** G.S. 105-164.13(69)

**Description:** Sales of non-coin currency, investment metal bullion, and investment coins are exempt.

**Enacting Legislation:** S.L. 2017-181 - effective July 1, 2017

**Estimate (in millions):** FY17-18..... \$0.4      FY18-19..... \$0.4

**Data Source:** Legislative Fiscal Note for HB 434 (2017)

### 133. Service Charges on Meals and Beverages

**Citation:** G.S. 105-164.13A

**Description:** Service charges, considered tips, imposed on food, beverages or prepared food that do not exceed 20% of the sale price. The charges must be stated on the menu or price list and also in the invoice or bill. The charges must be given to the personnel directly involved in providing the service.

**Enacting Legislation:** S.L. 1979-801; S.L. 1998-438 expanded the exemption by increasing the tip percentage maximum from 15% to 20%.

**Estimate (in millions):** FY17-18..... \$1.6      FY18-19..... \$1.6

**Data Source:** 2012 & 2007 Economic Census; Retail Trade Report, U.S. Census Bureau

**134. Food for Home Consumption****Citation:** G.S. 105-164.13B**Description:** Food is exempt from sales and use taxes unless the food is in one of the following categories: (1) dietary supplements, (2) food sold through a vending machine, (3) prepared food, other than bakery items sold by an artisan bakery, (4) soft drinks, (5) candy.**Enacting Legislation:** S.L. 1998-212 - effective for sales made on or after May 1, 1999; food was subject to the State sales tax beginning in 1961; the State tax on food for home consumption was phased out between Jan. 1, 1997 and May 1, 1999**Estimate (in millions):** FY17-18..... \$787.6      FY18-19..... \$811.9**Data Source:** Department of Revenue data on 2% Local Sales Tax on food through June 2017**Note:** Food remains subject to a 2% local sales tax.**Distributional Note:** According to the 2014 Consumer Expenditure Survey, a household with income between \$20,000 and \$29,999 on average spent 9.2% of annual expenditures on food at home; an average household with income between \$50,000 and \$69,999 spent 7.65% on this category.**135. Certain Artisan Bakery Items****Citation:** G.S. 105-164.13B**Description:** Exempts bakery items sold without eating utensils by an artisan bakery. An artisan bakery is a bakery that (a) derives over 80% of its receipts from bakery items, and (b) has annual gross receipts of no more than \$1.8 million.**Enacting Legislation:** S.L. 2008-107 - effective for sales on or after Jan. 1, 2009**Estimate (in millions):** FY17-18..... \$2.8      FY18-19..... \$3.0**Data Source:** receipts for retail bakeries with fewer than 20 employees were obtained from the 2012 & 2007 Economic Census. NC data on number of establishments through 2016 were obtained from US Bureau of Labor Statistics**136. Fuel and Electricity for Farming****Citation:** G.S. 105-164.13E(1)**Description:** Qualifying farmers are allowed an exemption for fuel and electricity that is measured by a separate meter or another device and used for a purpose other than preparing food, heating dwellings, and other household purposes. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.**Enacting Legislation:** S.L. 2005-276 - effective Jan. 1, 2006; fuel had previously been exempt (S.L. 1949-392) before becoming subject to a 1% preferential tax rate (S.L. 1961-826); electricity was not exempt until July 1, 2010, although it was previously taxed at a preferential rate.**Estimate (in millions):** FY17-18..... \$16.6      FY18-19..... \$16.3

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**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture; Energy Information Administration

### 137. Fertilizers, Seeds and Related Items Sold to a Farmer

**Citation:** G.S. 105-164.13E(2)

**Description:** Qualifying farmers are allowed an exemption for commercial fertilizer, lime, land plaster, plastic mulch, plant bed covers, potting soil, baler twine, and seeds. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.

**Enacting Legislation:** S.L. 1939-158 exempted fertilizers; S.L. 1945-708 exempted seeds; S.L. 2001-514 limited the exemption of fertilizers and seeds to farmers; S.L. 2004-124 and S.L. 2005-276, and S.L. 2007-500 added items to the list of exemptions.

**Estimate (in millions):**    FY17-18..... \$34.2        FY18-19..... \$33.6

**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

### 138. Farm Machinery and Related Parts and Lubricants

**Citation:** G.S. 105-164.13E(3)

**Description:** Qualifying farmers are allowed an exemption for farm machinery, attachment and repair parts for farm machinery, and lubricants applied to farm machinery. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years

**Enacting Legislation:** S.L. 2005-276 - effective Jan. 1, 2006; these items had been subject to a 1% preferential tax rate, with a \$80 cap per item (S.L. 1961-826); they were previously exempt (S.L. 1955-1313)

**Estimate (in millions):**    FY17-18..... \$13.9        FY18-19..... \$13.6

**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

**139. Certain Containers Sold to a Farmer****Citation:** G.S. 105-164.13E(4)**Description:** Qualifying farmers are allowed an exemption for containers used in the planting, cultivating, harvesting, or curing of farm crops or in the production of dairy products, eggs, or animals or used in packaging and transporting the farmer's product for sale. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.**Enacting Legislation:** S.L. 2005-276 - effective Jan. 1, 2006; these items were previously subject to a 1% preferential tax rate, with a \$80 cap, effective July 1, 1982 (S.L. 1981-1273)**Estimate (in millions):**    FY17-18..... \$0.8            FY18-19..... \$0.8**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture**140. Certain Storage Facilities Sold to a Farmer****Citation:** G.S. 105-164.13E(5)**Description:** Qualifying farmers are allowed an exemption for a grain, feed, or soybean storage facility and parts and accessories attached to the facility. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.**Enacting Legislation:** S.L. 2005-276 - effective Jan. 1, 2006; these items were previously subject to a 1% preferential tax rate, with a \$80 cap, effective July 1, 1979 (S.L. 1979-801)**Estimate (in millions):**    FY17-18..... \$3.3            FY18-19..... \$3.4**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture**141. Feeds, Litter and Medications for Farming****Citation:** G.S. 105-164.13E(6)a**Description:** Qualifying farmers are allowed an exemption for remedies, vaccines, medications, litter materials, and feeds for animals. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.**Enacting Legislation:** S.L. 1945-708 exempted seeds; S.L. 1977-1219 added the exemption for remedies, vaccines, and medications; S.L. 1995-477 restricted the exemptions to purchases for commercial use**Estimate (in millions):**    FY17-18..... \$160.6            FY18-19..... \$159.2**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

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**142. Certain Substances Used on Animals or Plants for Commercial Purposes**

**Citation:** G.S. 105-164.13E(6)b-e

**Description:** Qualifying farmers are allowed an exemption for (b) rodenticides, insecticides, herbicides, fungicides, and pesticides; (c) defoliant for use on cotton or other crops; (d) plant growth inhibitors, regulators, or stimulators, including systemic and contact or other sucker control agents for tobacco and other crops; (e) semen. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.

**Enacting Legislation:** S.L. 1945-708 exempted insecticides; S.L. 1949-1271, S.L. 1963-1169 and S.L. 1969-907 added items; S.L. 1995-477 restricted the exemptions to purchases for commercial use.

**Estimate (in millions):** FY17-18..... \$11.2      FY18-19..... \$10.6

**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

**143. Manufactured Facilities, Building Materials, and Related Equipment for Commercial Housing of Animals**

**Citation:** G.S. 105-164.13E(8)

**Description:** Qualifying farmers are allowed an exemption for (a) commercially manufactured facility to be used for commercial purposes for housing, raising, or feeding animals or for housing equipment necessary for these commercial activities, as well as equipment, and parts and accessories for the equipment, used in the facility; (b) building materials, supplies, fixtures, and equipment that become a part of or are used in the construction, repair, or improvement of an enclosure or a structure used for housing, raising or feeding animals or for housing equipment necessary for one of these commercial activities. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year or an average of \$10,000 in the prior 3 years.

**Enacting Legislation:** S.L. 1985-973 - effective Aug. 1, 1986 for construction and repair materials; other items added by S.L. 1987-800; these items had been taxed at a preferential rate of 1%, with a \$80 cap beginning July 1, 1979 (S.L. 1979-801) for swine facilities and July 1, 1983 (S.L. 1983-805) for livestock and poultry facilities.

**Estimate (in millions):** FY17-18..... \$7.8      FY18-19..... \$8.0

**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

**144. Tobacco Farming Items**

**Citation:** G.S. 105-164.13E(9)

**Description:** Qualifying farmers are allowed an exemption for a bulk tobacco barn or rack, parts and accessories attached to the tobacco barn or rack, and any similar apparatus, part, or accessory used to cure or dry tobacco or another crop. For periods on or after July 1, 2014, a qualifying farmer has gross annual income from farming of at least \$10,000 in the prior calendar year.

**Enacting Legislation:** S.L. 2005-276 - effective Jan. 1, 2006; these items were previously subject to a 1% preferential tax rate, with a \$80 cap per item (S.L. 1971-887)

**Estimate (in millions):**    FY17-18..... \$0.1            FY18-19..... \$0.1

**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

**145. RMI Services for Farmers**

**Citation:** G.S. 105-164.13E(10)

**Description:** Repair, maintenance and installation services purchased by a qualifying or conditional farmer and for use by the farmer in farming operations.

**Enacting Legislation:** S.L. 2016-94 - effective Jan. 1, 2017

**Estimate (in millions):**    FY17-18..... \$8.1            FY18-19..... \$7.9

**Data Source:** Farm Production Expenditure report for North Carolina (through 2016), National Agricultural Statistics Service, United States Department of Agriculture

**Refunds**

**146. Refund to Interstate Carrier**

**Citation:** G.S. 105-164.14(a)

**Description:** An interstate carrier is allowed a refund of part of the sales and use taxes paid on the purchase in this State of railway cars and locomotives, and fuel, lubricants, repair parts, and accessories for a motor vehicle, railroad car, locomotive, or airplane the carrier operates.

**Enacting Legislation:** S.L. 1957-1340

**Estimate (in millions):**    FY17-18..... \$3.2            FY18-19..... \$3.2

**Data Source:** Department of Revenue tax data

**Note:** Refund requests are made quarterly. Therefore, refunds lag taxes paid by up to 3 months.

Sales and Use Tax

**147. Partial Refund for Purchases of Railway Cars and Accessories by a Utility**

**Citation:** G.S. 105-164.14(a2)

**Description:** A utility company may receive a semiannual refund of part of the sales and use taxes it pays on the purchase in this State of railway cars and locomotives and accessories. The refund is based on the percentage of miles that the utility company operated its locomotives and railway cars in North Carolina during the refund period.

**Enacting Legislation:** S.L. 2006-06 - effective July 1, 2006

**Estimate (in millions):** less than \$0.1

**Data Source:** Department of Revenue tax data

**148. Refund of Sales Taxes to Nonprofits**

**Citation:** G.S. 105-164.14(b)

**Description:** Refunds for sales taxes paid on purchases, other than electricity, telecommunications piped natural gas, video programming and prepaid meal plans, for use in carrying on the work of the nonprofit and indirect purchases of building materials and related equipment. The refund is only for nonprofits in the following categories: (1) hospitals, (2) an entity exempt from income tax under Section 501(c)(3) of the Code, except if they are in the following areas: community improvement and capacity building; public and societal benefit; mutual and membership benefit, (4) qualified retirement facilities, (5) volunteer fire departments and volunteer emergency medical service squads. Tax paid on sales by the nonprofits are not refundable.

**Enacting Legislation:** S.L. 1961-826 – effective July 1, 1961; this refund provision replaced an existing exemption (S.L. 1943-400)

**Estimate (in millions):** FY17-18..... \$243.1      FY18-19..... \$244.9

**Data Source:** Department of Revenue tax data

**Note:** Effective for purchases made on or after July 1, 2014: the total annual State-related refund allowed an entity for a fiscal year may not exceed \$31,700,000.

**149. Refunds of Tax on Medicine and Drug Purchases to Certain Hospitals**

**Citation:** G.S. 105-164.14(b)

**Description:** Hospitals not eligible for the refund of taxes on all tangible property purchases may receive a refund of tax on purchases of medicines and drugs for use in carrying out the work of such hospitals.

**Enacting Legislation:** SL 1977-895 - effective for taxes paid on or after July 1, 1977

**Estimate (in millions):** included in Item #148

**Data Source:** Department of Revenue tax data

**150. Refunds to Certain Local Government Entities**

**Citation:** G.S. 105-164.14(c)

**Description:** Refunds for sales taxes paid on purchases, other than electricity and telecommunications, by certain governmental entities and indirect purchases of building materials for use by those entities.

**Enacting Legislation:** S.L. 1961-826 - this refund provision replaced an existing exemption

**Estimate (in millions):** FY17-18..... \$89.4      FY18-19..... \$90.8

**Data Source:** Department of Revenue tax data

**Note:** The estimate does not include refunds to the University of North Carolina Health Care System or a constituent institution of the University of North Carolina that were eligible under this provision.

**151. Refund for Major Recycling Facilities**

**Citation:** G.S. 105-164.14A(a)(2)

**Description:** The owner of a major recycling facility is allowed an annual refund of sales and use taxes paid by it on building materials, building supplies, fixtures, and equipment that became a part of the real property of the recycling facility.

**Enacting Legislation:** S.L. 1998-55 - effective July 1, 1998; this provision was formerly G.S. 105-164.14(g)

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.2

**Data Source:** Department of Revenue "Economic Incentive Reports"

**152. Refund of Aviation Fuel for Motorsports Events**

**Citation:** G.S. 105-164.14A(a)(4)

**Description:** A professional motorsports racing team or a motorsports sanctioning body is allowed a refund of the sales and use tax paid by it in this State on aviation fuel that is used to travel to or from a motorsports event in this State, to travel to a motorsports event in another state from a location in this State, or to travel to this State from a motorsports event in another state.

**Enacting Legislation:** S.L. 2005-435 - effective for purchases made on or after Jan. 1, 2005; this provision was formerly G.S. 105-164.14(l)

**Sunset Date:** Expires for purchases made on or after Jan. 1, 2020

**Estimate (in millions):** FY17-18..... \$0.2      FY18-19..... \$0.2

**Data Source:** Department of Revenue "Economic Incentive Reports"

## Sales and Use Tax

### 153. Refund on Professional Motor Racing Vehicle Parts

**Citation:** G.S. 105-164.14A(a)(5)

**Description:** A professional motorsports racing team may receive a refund of 50% of the sales tax paid on certain tangible personal property that comprises any part of a professional motor racing vehicle, except tires, instrumentation, telemetry, consumables and paint.

**Enacting Legislation:** S.L. 2006-66 - effective for purchases made on or after July 1, 2007; this provision was formerly G.S. 105-164.14(m)

**Sunset Date:** Expires for purchases made on or after Jan. 1, 2020

**Estimate (in millions):** FY17-18..... \$2.6      FY18-19..... \$2.6

**Data Source:** Department of Revenue "Economic Incentive Reports"

### 154. Refund for Railroad Intermodal Facilities

**Citation:** G.S. 105-164.14A(a)(7)

**Description:** The owner or lessee of an eligible railroad intermodal facility is allowed an annual refund of sales and use taxes paid by it under this Article on building materials, building supplies, fixtures, and equipment that become a part of the real property of the facility.

**Enacting Legislation:** S.L. 2007-323 - effective Jan. 1, 2007; this provision was formerly G.S. 105-164.14(o)

**Sunset Date:** Expires for purchases made on or after Jan. 1, 2038

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1

**Data Source:** Department of Revenue "Economic Incentive Reports".

### 155. Refund for Transformative Project

**Citation:** G.S. 105-164.14A(a)(8)

**Description:** An owner or lessee of a business that is the recipient of a JDIG grant on or before June 30, 2019, for a transformative project as defined in G.S. 143B-437.51(9a) is allowed a refund of sales and use tax paid by it on building materials, building supplies, fixtures, and equipment that becomes a part of the real property of the facility.

**Enacting Legislation:** S.L. 2017-57 - effective July 1, 2017

**Estimate (in millions):** Unavailable

## Preferential tax rates

### 156. Preferential Rate and Cap for Aircraft

**Citation:** G.S. 105-164.4(a)(1b)

**Description:** Effective October 1, 2015: Tax rate of 4.75% on the retail sale of each aircraft, including all accessories attached to the item at the time of purchase. The maximum tax is \$2,500 per article. Prior to Oct. 1, 2015, the tax rate was 3% on the retail sale of each aircraft or boat, with a maximum tax of \$1,500 per article.

**Enacting Legislation:** S.L. 1957-1340 - imposed a tax of 1% with an \$80 cap on airplanes; tax rate and cap were increased at various time intervals; S.L. 1967-1116 added boats, effective July 1, 1967; in 1989, the maximum tax on boats and aircraft was increased from \$300 to \$1,500 (S.L. 1989-692); tax rate was increased from 3.0% to 4.75% with \$2,500 cap, effective October 1, 2015 (S.L. 2015-259)

**Estimate (in millions):** FY17-18..... \$14.9      FY18-19..... \$15.5

**Data Source:** Department of Revenue tax data

**Note:** For the estimates, a price elasticity of demand of -4 was used to reflect a lower demand at a higher rate of tax.

**157. Preferential Rate and Cap for Boats**

**Citation:** G.S. 105-164.4(a)(1b)

**Description:** Tax rate of 3% on the retail sale of each aircraft or boat. The maximum tax is \$1,500 per article.

**Enacting Legislation:** S.L. 1957-1340 - imposed a tax of 1% with an \$80 cap on airplanes; tax rate and cap were increased at various time intervals; S.L. 1967-1116 added boats, effective July 1, 1967; in 1989, the maximum tax on boats and aircraft was increased from \$300 to \$1,500 (S.L. 1989-692).

**Estimate (in millions):** FY17-18..... \$22.2      FY18-19..... \$23.8

**Data Source:** Department of Revenue tax data; National Marine Manufacturers Association

**Note:** For the estimates, a price elasticity of demand of -2 was used to reflect a lower demand at a higher rate of tax.

## Caps

**158. Out-of-State Call Centers**

**Citation:** G.S. 105-164.4C(f)

**Description:** The gross receipts tax on telecommunications service that originates outside this State, terminates in this State, and is provided by a call center that has a direct pay permit may not exceed \$50,000. (S.L. 2001-430)

**Enacting Legislation:** S.L. 2001-430 - effective Jan. 1, 2002. This is also when the exemption from sales tax for interstate calls was removed.

**Estimate (in millions):** Unavailable

**Note:** There are four or five eligible call centers. Not enough information was available to determine cost.

## Highway Use Tax

### Highway Use Tax (Article 5A)

#### Tax Base Information

The highway use tax is imposed on the privilege of using the highways of this State. It is imposed on the sale or lease of motor vehicles for which a certificate of title is issued. Trailers pulled by automobiles are included in this tax if they are required to have a title.

Prior to the creation of this tax in 1989, the purchase of motor vehicles was taxed under the sales & use tax at a rate of 2%, with a \$300 maximum. S.L. 1995-390 removed the \$40 minimum tax, effective July 1, 1996. S.L. 2001-424 removed the cap from non-commercial vehicles, effective Oct. 1, 2001. (S.L. 2001-497 restored the cap for recreational vehicles.)

The base rate is 3% on the sales of motor vehicles and on long-term leases and rentals; short-term leases are taxed at 8%.

In Fiscal Year 2016-17, approximately \$860 million was collected under this tax, net of refunds. (The amount includes collections from the 8% short term lease, which are collected under the sales and use tax.)

#### Tax Expenditures

##### 1. Maximum Tax of \$2,000 for Class A or Class B Commercial Motor Vehicles

**Citation:** G.S. 105-187.3(a)

**Description:** Effective Jan. 1, 2016, the tax on each title issued for a Class A or Class B commercial motor vehicles is capped at \$2,000. Prior to Jan. 1, 2016, the maximum tax was \$1,000.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989; see prior cap under the sales tax in description of the Highway Use Tax.

**Estimate (in millions):** FY17-18..... \$23.3      FY18-19..... \$23.7

**Data Source:** Estimates based on data from N.C. Department of Transportation

##### 2. Maximum Tax of \$2,000 for Recreational Vehicles

**Citation:** G.S. 105-187.3(a)

**Description:** Effective Jan. 1, 2016, the tax on each title issued for a recreational vehicles is capped at \$2,000. Prior to Jan. 1, 2016, the maximum tax was \$1,500.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989; the cap rose from \$1,000 in 1989 to \$1,500 on July 1, 1993; see prior cap under the sales tax in description of the Highway Use Tax.

**Estimate (in millions):** FY17-18..... \$5.2      FY18-19..... \$5.3

**Data Source:** Estimates based on data from N.C. Department of Transportation

**3. Trade-In Allowance on Sales of Motor Vehicles**

**Citation:** G.S. 105-187.3(b)

**Description:** The retail value of a motor vehicle for which a certificate of title is issued is reduced by the amount of any allowance given by the seller for a motor vehicle taken in trade as a full or partial payment for the purchased motor vehicle.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989; a trade-in allowance was added in the sales tax statutes for motor vehicles by S.L. 1983-713, effective Aug. 1, 1983, when the maximum tax was raised from \$120 to \$300.

**Estimate (in millions):** FY17-18..... \$135.8      FY18-19..... \$141.2

**Data Source:** N.C. Department of Transportation; Virginia Department of Motor Vehicles; National Automobile Dealers Association; RL Polk & Co. (as used by NADA)

**4. Trade-In Allowance on Leases of Motor Vehicles**

**Citation:** G.S. 105-187.5(b)

**Description:** The gross receipts tax on a lease or rental of a motor vehicle does not include the amount of any allowance given for a motor vehicle taken in trade as a partial payment.

**Enacting Legislation:** S.L. 1995-410 - effective Oct. 1, 1995

**Estimate (in millions):** FY17-18..... \$2.9      FY18-19..... \$3.0

**Data Source:** N.C. Department of Transportation; Virginia Department of Motor Vehicles; National Automobile Dealers Association; RL Polk & Co. (as used by NADA)

**5. Title Issued by Will or Intestacy**

**Citation:** G.S. 105-187.6(a)(4)

**Description:** Full exemption when a certificate of title is issued by will or intestacy.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** Unavailable

**6. Gift Between Close Family Members**

**Citation:** G.S. 105-187.6(a)(5)

**Description:** Full exemption when a certificate of title is issued by a gift between a husband and wife, a parent and child, or a stepparent and a stepchild.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** Unavailable

## Highway Use Tax

### 7. Vehicles Leased to Public School Driver Education Programs

**Citation:** G.S. 105-187.6(a)(8)

**Description:** Full exemption when a certificate of title is issued to a local board of education for use in a driver education program when the vehicle is transferred back to retailer within 300 days or from another board of education.

**Enacting Legislation:** S.L. 1993-467 - effective Aug. 1, 1993

**Estimate (in millions):** Unavailable

### 8. Volunteer Fire and Rescue Squad Vehicles

**Citation:** G.S. 105-187.6(a)(9)

**Description:** Full exemption for volunteer fire department or rescue squad, when the vehicle is either (1) a fire truck, a pump truck, a tanker truck, or a ladder truck used to suppress fire, (2) a four-wheel drive vehicle intended to be mounted with a water tank and used to fight forest fires, (3) an emergency service vehicle.

**Enacting Legislation:** S.L. 2001-424, section 34.24, effective October 1, 2001

**Estimate (in millions):** Unavailable

### 9. Transfer to a Revocable Trust

**Citation:** G.S. 105-187.6(a)(11)

**Description:** Full exemption for transfer to a revocable trust from an owner who is the sole beneficiary of the trust.

**Enacting Legislation:** S.L. 2010-95 - effective July 17, 2010

**Estimate (in millions):** Unavailable

### 10. Secured Party with Perfected Interest

**Citation:** G.S. 105-187.6(b)(1)

**Description:** Maximum tax of \$40 when a certificate is issued to a secured party who has a perfected interest in the motor vehicle.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** Unavailable

### 11. Sales to Related Businesses

**Citation:** G.S. 105-187.6(b)(2)

**Description:** Maximum of \$40 when a certificate of title is issued to a business that is not a separate entity from the seller.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** Unavailable

**12. Vehicles Titled in Another State**

**Citation:** G.S. 105-187.6(c)

**Description:** Maximum tax of \$250 if vehicle has been titled in another state for at least 90 days. Prior to Jan. 1, 2016, the maximum tax was \$150.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** FY17-18..... \$4.4      FY18-19..... \$4.5

**Data Source:** Estimates based on data from N.C. Department of Transportation

**13. Credit for Tax Paid in Another State**

**Citation:** G.S. 105-187.7(a)

**Description:** Credit for amount of tax paid in another state within 90 days of applying for title.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** Unavailable

**14. Credit for Tax Paid in Another State if Previously Titled in NC**

**Citation:** G.S. 105-1987.7(b)

**Description:** Credit for amount paid in another state within 1 year if vehicle was previously titled in NC.

**Enacting Legislation:** S.L. 1995-512 - effective Oct. 1, 1995

**Estimate (in millions):** Unavailable

**15. Return of Purchased Vehicle**

**Citation:** G.S. 105-187.8

**Description:** Refund for return of purchased vehicle within 90 days of purchase.

**Enacting Legislation:** S.L. 1989-692, effective Oct. 1, 1989

**Estimate (in millions):** Unavailable

## Scrap Tire Disposal Tax

### Scrap Tire Disposal Tax (Article 5B)

#### Tax Base Information

This privilege tax is imposed on a tire retailer on the sale price of each new tire sold at retail and on a retailer or wholesaler on the price of each new tire sold for placement on a vehicle offered for sale, lease or rental. The tax is also applicable to new tires that are purchased for storage, use or consumption in this State or for placement in this State on a vehicle offered for sales, lease or rental.

This tax was enacted by S.L. 1991-221 and became effective on July 1, 1991. (It replaced a similar provision that had been enacted in 1989 under Chapter 130A, effective Jan. 1, 1990.)

The base tax rate is 2%.

In Fiscal Year 2016-17, \$19.7 million was collected from this tax, net of refunds.

For Fiscal Year 2013-14 and forward, 30% of net revenues are transferred to the General Fund and the remaining amount is distributed to counties on a per capita basis.

#### Tax Expenditures

##### 1. Lower Tax Rate for Large Tires

**Citation:** G.S. 105-187.16

**Description:** The tax rate on tires with a bead diameter of 20 inches or more is 1%.

**Enacting Legislation:** S.L. 1993-548 - the tax rate on tires with a bead diameter of less than 20 inches was increased from 1% to 2% effective October 1, 1993. A sunset of July 1, 1997 was in effect for the original legislation. This sunset was extended by subsequent legislation and later repealed by S.L. 2002-10.

**Estimate (in millions):** FY17-18..... \$0.6      FY18-19..... \$0.7

**Data Source:** Department of Revenue tax database

**Note:** The estimate does not include additional revenues that would be distributed to the counties, which is 70% of net revenues.

##### 2. Exemption for Certain Tire Sales

**Citation:** G.S. 105-187.18

**Description:** Exemption for bicycle tires, recapped tires, tires sold for placement on new vehicle.

**Enacting Legislation:** S.L. 1991-221 – effective July 1, 1991

**Estimate (in millions):** Unavailable

## White Goods Disposal Tax (Article 5C)

### Tax Base Information

The tax is imposed on a white goods retailer at a flat rate of \$3 for each new white good sold. The tax is imposed on a new white good purchased outside the State for storage, use, or consumption in this State. Examples of white goods are refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, clothes dryers, and dishwashers.

This tax was enacted by S.L. 1993-471 and became effective on January 1, 1994.

The base tax rate is \$3 for each new white good sold

In Fiscal Year 2016-17, \$5.8 million was collected from this tax, net of refunds.

For Fiscal Year 2013-14 and forward, 28% of net revenues are transferred to the General Fund and the remaining amount is distributed to counties on a per capita basis (unless the county is disallowed a distribution under G.S. 130A-309.87).

### Tax Expenditures

#### 1. Refund for Large Purchases

**Citation:** G.S. 105-187.23

**Description:** Refund of 60% for person who buys at least 50 new white goods of any kind in the same sale.

**Enacting Legislation:** S.L. 1993-471 - effective Jan. 1, 1994

**Estimate (in millions):** less than \$100,000

**Data Source:** Department of Revenue tax database

**Note:** The estimate does not include additional revenues that would be distributed to the counties, which is 72% of net revenues.

## Severance Tax

### Severance Tax (Article 5I)

#### Tax Base Information

The tax is imposed on all energy minerals severed from the soil and water of this State when sold.

This tax was enacted by S.L. 2014-4 and became effective July 1, 2015.

For oil and condensates, the tax rate is 2% between July 1, 2015 and Dec. 31, 2018; 3.5% between Jan. 1, 2019 and Dec. 31, 2020; and 5% on or after Jan. 1, 2021.

For gas, the tax rate ranges from 0.9% to 2.9% between July 1, 2015 and Dec. 31, 2018. The tax rate depends on the delivered to market value of the gas sold. Between Jan. 1, 2019 and Dec. 31, 2020, the tax rate ranges between 0.9% and 5%. On or after Jan. 1, 2021, the rate ranges from 0.9% to 9%.

The tax rate from a marginal gas well is 0.4% between July 1, 2015 and Dec. 31, 2018; 0.6% between Jan. 1, 2019 and Dec. 31, 2020; and 0.8% on or after Jan. 1, 2021.

In Fiscal Year 2016-17, \$0 was collected from this tax.

#### Tax Expenditures

##### 1. Delivered to Market Adjustment

**Citation:** G.S. 105-187.78(a)

**Description:** A producer may deduct the actual costs of delivering the gas to market incurred from the gross receipts of a cost reimbursement.

**Enacting Legislation:** S.L. 2014-4 - effective July 1, 2015

**Estimate (in millions):** Unavailable

##### 2. On-Site Use Exemption

**Citation:** G.S. 105-187.79

**Description:** On-site use is exempt from the severance tax. On-site use refers to energy minerals that are used on the land from which they are taken by the producer and which have a yearly cumulative delivered to market value of not greater than \$1,200.

**Enacting Legislation:** S.L. 2014-4 - effective July 1, 2015

**Estimate (in millions):** Unavailable

## Taxes on Insurance Companies (Article 8B)

### Tax Base Information

The tax on an insurer is measured by gross premiums from business done in this State during the calendar year. The base tax rate is 1.9%. However, premiums on worker compensation plans are taxed at 2.5%. There is an additional 0.74% tax on property coverage contracts.

There is also an insurance regulatory charge, which is a percentage of the insurer's gross premiums tax liability. The percentage is set at 6.5% for calendar years 2017 and 2018.

In Fiscal Year 2016-17, \$567.1 million was collected from the tax and regulatory fee, net of refunds.

### Tax Expenditures

**1. Captive Insurance Company Cap**

**Citation:** G.S. 105-228.4A(f)

**Description:** The aggregate amount of tax payable may not exceed \$100,000. If the company is a protected cell captive insurance company with more than 10 cells, the tax may not exceed \$100,000 plus \$5,000 times the number of cells in excess of 10.

**Enacting Legislation:** S.L. 2013-116, effective July 1, 2013

**Estimate (in millions):** Unavailable

**2. Federally Tax-Exempt Pensions, Annuities or Profit-Sharing Plan**

**Citation:** G.S. 105-228.5(c)(1)

**Description:** Excludes premiums connected with funding a pension, annuity or profit-sharing plan qualified or exempt under section 401, 403, 404, 408, 457 or 501 of the Code.

**Enacting Legislation:** S.L. 1973-142 - effective July 1, 1973

**Estimate (in millions):** Unavailable

**3. Premiums Received from Annuities**

**Citation:** G.S. 105-228.5(c)(2)

**Description:** Excludes premiums if received from annuities, as defined in G.S. 58-7-15.

**Enacting Legislation:** S.L. 1993-600 - effective Jan. 1, 1995

**Estimate (in millions):** FY17-18..... \$133.6      FY18-19..... \$134.9

**Data Source:** North Carolina Department of Insurance

## Taxes on Insurance Companies

### 4. Premiums Related to Funding Agreements

**Citation:** G.S. 105-228.5(c)(3)

**Description:** Excludes premiums if connected with funding agreements defined in G.S. 58-7-16.

**Enacting Legislation:** S.L. 1993-600 - effective Jan. 1, 1995

**Estimate (in millions):** FY17-18..... \$22.8      FY18-19..... \$22.8

**Data Source:** Estimates based on data from N.C. Department of Insurance

### 5. Automobile Premiums for Additional Rate on Property Coverage Contracts

**Citation:** G.S. 105-228.5(d)(3)

**Description:** Only 10% of the gross premiums from insurance contracts for automobile physical damage coverage are taxed compared to 100% of all other types of property coverage. This provision refers to the additional tax on property coverage contracts.

**Enacting Legislation:** S.L. 2006-196 - effective for taxable years beginning on or after Jan. 1, 2008. This provision replaced a tax on fire and lightning coverage that had excluded automobile and marine contracts.

**Estimate (in millions):** FY17-18..... \$21.4      FY18-19..... \$23.1

**Data Source:** Estimates based on data from N.C. Department of Insurance

**Note:** Only a fraction of the revenues of the additional tax on property coverage contracts are credited to the General Fund. The estimates, however, represent 100% of the foregone revenues.

### 6. Farmers' Mutual Assessment Fire Insurance Companies and Fraternal Organizations

**Citation:** G.S. 105-228.5(g)

**Description:** Excludes farmers' mutual assessment fire insurance companies and nonprofit fraternal organizations.

**Enacting Legislation:** This is a longstanding provision in the insurance statutes.

**Estimate (in millions):** FY17-18..... \$2.7      FY18-19..... \$2.8

**Data Source:** Estimates based on data from N.C. Department of Insurance

**Note:** Includes an estimate for the additional 0.74% rate on property coverage contracts (for the farmers' mutuals only).

7. **Assessments paid to Insurance Guaranty Association and Life and Health Insurance Guaranty Association**

**Citation:** G.S. 105-228.5A

**Description:** Credit against gross premiums for assessments paid to the Insurance Guaranty Association and the Life and Health Insurance Guaranty Association. (These organizations require insurers to pay assessments to cover claims against insolvent insurers.)

**Enacting Legislation:** S.L. 1991-689 - effective Jan. 1, 1991. Prior to this, insurance companies were allowed to increase their premiums to recoup assessment charges.

**Estimate (in millions):**    FY17-18..... \$6.4            FY18-19..... \$6.6

**Data Source:** Department of Revenue Insurance Tax database; North Carolina Insurance Guaranty Association

## Excise Stamp Tax on Conveyances

### Excise Tax on Conveyances (Article 8E)

#### Tax Base Information

This tax is levied on each instrument by which any interest in real property is conveyed to another person. This tax applies to timber deeds and contracts for the sale of standing timber as if these were transfers of real property.

The tax rate is \$1 on each \$500 of real property value or fractional part thereof.

Fifty percent of the taxes collected are deposited in county funds, and the counties may also retain an additional 2% for administrative costs. The remaining amount is remitted to the State.

In Fiscal Year 2016-17, \$67.5 million was remitted to the State from this tax.

#### Tax Expenditures

**1. Transfers of Property by Operation of Law**

**Citation:** G.S. 105-228.29(1)

**Description:** The tax does not apply to transfer of real property if by operation of law.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**2. Transfers of Property by Lease**

**Citation:** G.S. 105-228.29(2)

**Description:** The tax does not apply to a transfer by lease for a term of years.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**3. Transfers of Property Pursuant to a Will**

**Citation:** G.S. 105-228.29(3)

**Description:** The tax does not apply to transfers pursuant to a will.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**4. Transfers of Property by Intestacy**

**Citation:** G.S. 105-228.29(4)

**Description:** The tax does not apply to transfers by intestacy.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**5. Transfers of Property by Gift**

**Citation:** G.S. 105-228.29(5)

**Description:** The tax does not apply to transfers by gift.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**6. Transfers Involving No Payments**

**Citation:** G.S. 105-228.29(6)

**Description:** The tax does not apply if no consideration in property or money is due or paid by the transferee to the transferor.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**7. Transfers by Merger, Conversion or Consolidation**

**Citation:** G.S. 105-228.29(7)

**Description:** The tax does not apply if transfer is by merger, conversion or consolidation.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

**8. Transfers by Instrument Securing Debt**

**Citation:** G.S. 105-228.29(8)

**Description:** The tax does not apply if transfer is by an instrument securing indebtedness.

**Enacting Legislation:** S.L. 1967-986 - effective Jan. 1, 1968

**Estimate (in millions):** Unavailable

## Excise Tax on Motor and Alternative Fuels

### **Excise Tax on Motor Fuels (Article 36C) and Alternative Fuels (Article 36D)**

#### **Tax Base Information**

The tax base includes only fuel for vehicles licensed for highway use. Fuels sold for non-highway use are exempt from the Motor Fuels Tax but are subject to the Sales and Use Tax.

The tax rate on Alternative Fuels is set equivalent to the tax on motor fuels, as determined by the Secretary of Revenue.

Prior to April 1, 2015, the motor fuel excise tax rate was calculated every six months and was based, in part, on the wholesale price of gasoline during an applicable 6-month base period. S. L. 2015-2 repealed this tax rate and replaced it with a series of rates as shown in the following table:

Time Period	Tax Rate
April 1, 2015 – Dec. 31, 2015	36¢
Jan. 1, 2016 – June 30, 2016	35¢
July 1, 2016 – Dec. 31, 2016	34¢

Beginning Jan. 1, 2017, the tax rate is adjusted each year using a weighted average of the population growth rate and the growth rate of the energy consumer price index. In 2017, the tax rate is 34.3¢ per gallon.

In Fiscal Year 2016-17, approximately \$1.92 billion was collected from the motor fuels excise tax, net of refunds.

#### **Tax Expenditures**

**1. Sales to the State for its Use**

**Citation:** G.S. 105-449.88(3)

**Description:** Exemption for motor fuel sales to the State for its use.

**Enacting Legislation:** S.L. 1991-689

**Estimate (in millions):** FY17-18..... \$0                      FY18-19..... \$0

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**Note:** The loss to the Highway Fund & Highway Trust Fund is approximately \$10 million per year, but there is no net effect on overall State funds.

**2. Sales to Local Boards of Education**

**Citation:** G.S. 105-449.88(4)

**Description:** Exemption for motor fuel sales to local boards of education.

**Enacting Legislation:** S.L. 1995-390; formerly, there was an exemption for gasoline used in public school transportation (S.L. 1941-119)

**Estimate (in millions):** FY17-18..... \$8.0                      FY18-19..... \$7.7

Excise Tax on Motor and Alternative Fuels

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**3. Sales to Charter Schools**

**Citation:** G.S. 105-449.88(6)

**Description:** Exemption for motor fuels sales to charter schools.

**Enacting Legislation:** S.L. 2000-72 - effective Oct. 1, 2000

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**4. Sales to Community Colleges**

**Citation:** G.S. 105-449.88(7)

**Description:** Exemption for motor fuel sales to community colleges.

**Enacting Legislation:** S.L. 2001-427 - effective Jan. 1, 2003

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**5. Sales to County or Municipal Corporation**

**Citation:** G.S. 105-449.88(8)

**Description:** Exemption for motor fuel sales to county or municipal corporation.

**Enacting Legislation:** S.L. 2002-108 - effective Jan. 1, 2003; counties and municipal corporations were formerly allowed a refund of all but 1¢ per gallon (S.L. 1957-1226)

**Estimate (in millions):** FY17-18..... \$27.0      FY18-19..... \$27.3

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**6. Biodiesel Used in the Producer's Vehicle**

**Citation:** G.S. 105-449.88(9)

**Description:** Exemption for biodiesel that is produced by an individual for use in a private passenger vehicle registered in that individual's name.

**Enacting Legislation:** S.L. 2007-524 - effective Oct. 1, 2007

**Estimate (in millions):** Unavailable

**7. Discount for Timely Payment -- Licensed Distributors and Importers**

**Citation:** G.S. 105-449.93(b)

**Description:** 1% discount to licensed distributor for timely payment.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996; prior to this, distributors had been allowed a tare deduction for gasoline

**Estimate (in millions):** FY17-18..... \$19.1      FY18-19..... \$19.9

**Data Source:** Motor Fuels Tax Division, Department of Revenue

Excise Tax on Motor and Alternative Fuels

**8. Discount for Collection Expense -- Suppliers**

**Citation:** G.S. 105-449.97(b)

**Description:** 0.1% discount to supplier for timely payment.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996

**Estimate (in millions):** FY17-18..... \$1.0      FY18-19..... \$1.0

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**9. Discount for Timely Filing and Payments -- Sales to Unlicensed Distributors or Bulk-End Users**

**Citation:** G.S. 105-449.97(c)

**Description:** A supplier that sells motor fuel directly to an unlicensed distributor or to the bulk-end user, the retailer, or the user of the fuel may take the same percentage discount on the fuel that a licensed distributor may take under G.S. 105-449.93(b) when making deferred payments of tax to the supplier.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996

**Estimate (in millions):** included in item #7

**10. Discount for Timely Filing and Payments -- Certain Returns of Importers**

**Citation:** G.S. 105-449.99(b)

**Description:** An importer that imports motor fuel received from an elective supplier or a permissive supplier may deduct the percentage discount under G.S. 105-449.93(b) when remitting tax to the supplier, as trustee, for payment to the State.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996

**Estimate (in millions):** included in item #7

**11. Damage to Conveyance**

**Citation:** G.S. 105-449.105(b)

**Description:** Exemption for loss of fuel due to damage to a conveyance transporting the motor fuel, fire, a natural disaster, an act of war, or an accident.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996

**Estimate (in millions):** less than \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**12. Accidentally Combining Fuels**

**Citation:** G.S. 105-449.105(c)

**Description:** Refund for accidentally combining any of the following: (1) dyed diesel fuel with tax-paid motor fuel, (2) gasoline with diesel fuel, or (3) undyed diesel fuel with dyed kerosene.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996

**Estimate (in millions):** less than \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**13. Hold Harmless Refunds to Distributors and Importers**

**Citation:** G.S. 105-449.105B

**Description:** Refund to distributors and importers of the difference between the amount of discount under G.S. 105-449.93(b) for all motor fuel and the amount calculated by the following schedule for gasoline: 2% of the first 150,000 gallons purchased per month; 1.5% of the next 100,000 gallons; and 1% of the amount over 250,000 gallons.

**Enacting Legislation:** S.L. 1995-390 - effective Jan. 1, 1996

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**14. Refund for Nonprofit Transportation Services**

**Citation:** G.S. 105-449.106(a)(2)

**Description:** Refund of tax less 1 cent per gallon for a private nonprofit organization that transports passengers under contract with or at the express designation of a unit of local government.

**Enacting Legislation:** S.L. 1977-1215 - effective July 1, 1978

**Estimate (in millions):** FY17-18..... \$0.3      FY18-19..... \$0.3

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**15. Refund for Volunteer Fire Department**

**Citation:** G.S. 105-449.106(a)(3)

**Description:** Refund of tax less 1 cent per gallon for a volunteer fire department.

**Enacting Legislation:** S.L. 1971-1160 - effective Oct. 1, 1971

**Estimate (in millions):** FY17-18..... \$0.2      FY18-19..... \$0.2

**Data Source:** Motor Fuels Tax Division, Department of Revenue

## Excise Tax on Motor and Alternative Fuels

### 16. Refund for Volunteer Rescue Squad

**Citation:** G.S. 105-449.106(a)(4)

**Description:** Refund of tax less 1 cent per gallon for a volunteer rescue squad.

**Enacting Legislation:** S.L. 1981-1246 - effective July 1, 1983

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

### 17. Refund for Sheltered Workshop

**Citation:** G.S. 105-449.106(a)(5)

**Description:** Refund of tax less 1 cent per gallon for a sheltered workshop recognized by the Department of Human Services.

**Enacting Legislation:** S.L. 1975-845 - effective July 1, 1975

**Estimate (in millions):** FY17-18..... \$0.1      FY18-19..... \$0.1

**Data Source:** Motor Fuels Tax Division, Department of Revenue

### 18. Partial Refund for Power Takeoff Vehicles

**Citation:** G.S. 105-449.107(b)

**Description:** Annual refund of 33.3% of taxes for certain vehicles, less appropriate sales or privilege tax. The vehicles include concrete mixing vehicles; solid waste compacting vehicle; bulk feed vehicle that delivers feed to poultry or livestock and uses a power takeoff to unload the feed; a vehicle that delivers lime or fertilizer in bulk to farms and uses a power takeoff to unload the lime or fertilizer; a tank wagon that delivers alternative fuel or motor fuel or another type of liquid fuel into storage tanks and uses a power takeoff to make the delivery; or a commercial vehicle that delivers and spreads mulch, soils, composts, sand, sawdust, and similar materials and that uses a power takeoff to unload, blow and spread the materials; a septage removal vehicle; and a sweeper.

**Enacting Legislation:** S.L. 1979-801 - effective Jan. 1, 1980 for concrete mixers; S.L. 1983-1025 added solid waste compactors; S.L. 1985-656 added farm delivery vehicles; S.L. 1997-423 reduced the refund by the amount of sales or privilege tax that would be due on the fuel; S.L. 2001-408 added mulch-blowing equipment; S.L. 2005-377 added septage pumpers and sweepers

**Estimate (in millions):** FY17-18..... \$1.7      FY18-19..... \$1.7

**Data Source:** Motor Fuels Tax Division, Department of Revenue

## Appendix A: Federal Tax Expenditure Flow-Throughs

The taxable income amounts for North Carolina income taxes are derived in large part from federal rules defining what constitutes income components. As such, most federal exemptions and exclusions “flow through” to State income taxes. The tables in this appendix provide estimates of the North Carolina FY18-19 tax revenue loss for those federal flow-through provisions. For the individual income tax provision, only those provisions with an estimated impact over \$0.5 million are presented.

	<b>FY18-19 Estimate \$Millions</b>
<b>Individual Income Tax Expenditures</b>	
1 Exclusion of contributions and earnings to pension plans (includes Keoghs, defined benefit and defined contribution plans)	1,483.4
2 Exclusion of employer contributions for health care, health insurance premiums, and long-term care insurance premiums	1,166.5
3 Exclusion of capital gains at death	368.1
4 Exclusion of capital gains from sale of principal residences	341.4
5 Exclusion of untaxed Social Security and railroad retirement benefits	276.6
6 Exclusion of benefits provided through cafeteria plans	214.4
7 Deduction for IRAs (traditional and Roth)	171.2
8 Exclusion of investment income on life insurance and annuity contracts	147.6
9 Exclusion of benefits and allowances to armed forces personnel (includes exemption for military disability benefits)	106.5
10 Deferral of gain on like-kind exchanges	75.2
11 Exclusion of Veterans’ benefits (includes veteran’s disability compensation, pensions, and readjustment benefits)	70.0
12 Carryover basis of capital gains on gifts	68.9
13 Exclusion of foreign earned income	56.6
14 Exclusion of Workers’ Compensation benefits	53.1
15 Exclusion of miscellaneous fringe benefits	50.6
16 Medical care and Tricare Insurance for military dependents and retirees	49.4
17 Deduction for health insurance premiums and long-term care insurance premiums for the self-employed	41.8

## Appendix

	<b>Individual Income Tax Expenditures (cont.)</b>	<b>FY18-19 Estimate \$Millions</b>
18	Exclusion for employer-paid transportation benefits and employer-provided transit and vanpool benefits	34.5
19	Exclusion for employer paid accident and disability premiums	29.6
20	Exclusion for employer contributions for premiums on group long-term life insurance	27.2
21	Exclusion of scholarship and fellowship income	25.2
22	Depreciation of rental housing in excess of alternative depreciation system	22.4
23	Exclusion of combat pay	22.4
24	Health Savings Accounts	20.6
25	Exclusion of employee meals and lodging	20.4
26	Exclusion of income earned by voluntary employees' beneficiary associations	16.6
27	Deduction for interest on student loans	15.5
28	Exclusion of gain for certain small business stock	12.8
29	Cash accounting, other than agriculture	12.4
30	Deferral of gain on non-dealer installment sales	11.8
31	Exclusion of damages on account of personal physical injuries or physical sickness	11.1
32	Special treatment of employee stock ownership plans	10.4
33	Exclusion for employer-provided education & tuition reduction benefits	9.9
34	Exclusion of certain allowances for federal employees abroad	8.7
35	Exclusion of earnings of qualified tuition programs	8.5

<b>Individual Income Tax Expenditures (cont.)</b>		<b>FY18-19 Estimate \$Millions</b>
36	Exclusion of public assistance benefits	6.9
37	Exclusion of employer-provided child care	6.7
38	Exclusion of health insurance benefits for military retirees and retiree dependents enrolled in Medicare	6.7
39	Exceptions for publicly-traded partnership with qualified income derived from certain energy-related activities	6.2
40	Exclusion of housing allowances for ministers	5.0
41	Exemption from imputed interest rules	4.3
42	Exclusion of certain foster care payments	3.0
43	Exclusion of employee awards	2.5
44	Exclusion for employer-provided adoption assistance	1.9
45	Deduction for teacher classroom expenses	1.2
46	Inventory methods and valuation, including LIFO, lower of cost or market, specific identification for homogeneous products	1.2
47	Exclusion of income attributable to the discharge of certain student loan debt and NHSC and certain state educational loan repayments	1.2
48	Depreciation of buildings other than rental housing in excess of alternative depreciation system	1.2

Sources: *Estimates of Federal Tax Expenditures for Fiscal Years 2016-2020*, Joint Committee on Taxation, January 2017. The reference tax law includes changes through December 15, 2016. Federal tax expenditures are also measured by the “Tax Expenditure” chapter of *Fiscal Year 2018 Analytical Perspectives: Budget of the U.S. Government*, Office of Management and Budget.

These sources may differ on how a tax expenditure is defined. For example, the Office of Management and Budget considers “exclusion of net imputed rental income” for owner-occupied housing as a tax expenditure, but the Joint Committee on Taxation does not. Generally, this table uses the estimates from the Joint Committee on Taxation.

Note: Descriptions of federal tax expenditures can be found in *Tax Expenditures: Compendium of Background Material on Individual Provisions*, Congressional Research Service, Dec. 2014.

## Appendix

	<b>Corporate Income Tax Expenditures</b>	<b>FY18-19 Estimate \$Millions</b>
1	Deferral of gain on like-kind exchanges	28.5
2	Expensing of research and development costs in lieu of R&D credits	17.7
3	Deferral of gain on non-dealer installment sales	15.5
4	Exclusion of investment income on life insurance and annuity contracts	5.5
5	Inventory property sales source rule exception	4.2
6	Inventory methods and valuation, including last in first out, lower of cost or market, specific identification for homogeneous products	3.5
7	Special tax provisions for employee stock ownership plans	3.5
8	Completed contract rules	2.3
9	Amortization of air pollution control facilities	2.3
10	Eliminate requirement that financial institutions allocate interest expense attributable to tax-exempt interest	1.2
11	Depreciation of rental housing in excess of alternative depreciation system	0.9
12	Expensing of timber-growing costs	0.7
13	Cash accounting, other than agriculture	0.7
14	Five-year MACRS for certain energy property (solar, wind, etc.)	0.5
15	Depreciation of buildings other than rental housing in excess of alternative depreciation system	0.5
16	Fifteen-year MACRS for natural gas distribution line	0.5
17	Deferral of taxation on spread on employee stock purchase plans	-0.5
18	Disallowance of deduction for excess parachute payments	-0.7
19	Limits on deductible compensation	-2.3
20	Deferral of taxation on spread on acquisition of stock under incentive stock option rules	-2.8

Source: *Estimates of Federal Tax Expenditures for Fiscal Years 2016-2020*, Joint Committee on Taxation, January 2017. The reference tax law includes changes through December 15, 2016. The estimates provided above follow the Joint Committee on Taxation's rule of including negative tax expenditures, which are gains in tax revenue from a provision that deviates from normal income tax law.

## Appendix B: Other Tax Exclusions and Exemptions

These additional provisions are not included in the main body of the report's text because they are necessary for the ordinary functioning of the tax system.

### Tobacco Tax

**1. Sales to Distributors**

**Description:** Manufacturers shipping cigarettes to other distributors are exempt.

**Citation:** G.S. 105-113.1

**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

**2. Out-of-State Shipments**

**Description:** A distributor is exempt from tax if possession is for out-of-state shipments.

**Citation:** G.S. 105-113.9

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

**3. Out-of-State Sales**

**Description:** Exemption for tobacco products sold outside the State.

**Citation:** G.S. 105-113.35(a)(1)

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

**4. Sales to Federal Government**

**Description:** Exemption for tobacco products sold to the federal government.

**Citation:** G.S. 105-113.35(a)(2)

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

### Alcoholic Beverage License and Excise Taxes

**5. Sales to U.S. Armed Forces**

**Description:** Exemption if beverage is sold to the U.S. Armed Forces.

**Citation:** G.S. 105-113.81(c)

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

**6. Out-of-State Sales**

**Description:** Exemption if beverage is sold outside the State.

**Citation:** G.S. 105-113.81(d)

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

## Appendix

### Franchise Tax

- 7. Deduction from Capital Stock/Net Worth for Treasury Stock**  
**Description:** Treasury stock shall not be considered in computing the capital stock, surplus, and undivided profits as the basis for franchise tax, but shall be excluded proportionately. (Treasury stock is not considered part of outstanding shares.)  
**Citation:** G.S. 105-122(b)(7)  
**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base
- 8. Insurance Companies**  
**Description:** Exemption for an insurance company subject to tax under Article 8B of this Chapter.  
**Citation:** G.S. 105-125(a)(2)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation
- 9. Transfers of Debt**  
**Description:** For debtor corporations, a proportionate part of debt determined on the bases of the ratio of capital borrowed by a creditor corporation from a source other than a parent, subsidiary or affiliate to the total assets of the creditor corporation. For creditor corporations, the amount of any debt owed to it by a parent, subsidiary, or affiliated corporation to the extent that such debt has been included in the tax base of the parent, subsidiary, or affiliated debtor corporation reporting for taxation under the provisions of this section.  
**Citation:** G.S. 105-122(b)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

### Corporation Income Tax

- 10. U.S. Obligation Interest**  
**Description:** Deductions for interest upon the obligations of the U.S. or its possessions, to the extent included in federal taxable income.  
**Citation:** G.S. 105-130.5(b)(1)  
**Reason for Excluding from Tax Expenditure List:** Intergovernmental Reciprocity
- 11. Payments Received from an Affiliated Company That Paid Tax on Payment**  
**Description:** Payment received from a parent, subsidiary or affiliated corporation in excess of fair compensation in inter-company transactions which in the determination of the net income or net loss of such corporation were not allowed as a deduction.  
**Citation:** G.S. 105-130.5(b)(2)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

- 12. Adjustment for Federal Tax Credits**  
**Description:** Deduction for business expenses when a federal tax credit was taken in lieu of a deduction.  
**Citation:** G.S. 105-130.5(b)(11)  
**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base: In the Code, there are some activities that may receive either a tax credit or a deduction from taxable income, but not both. A taxpayer that chooses to take the credit may deduct the alternative allowable Federal deduction when calculating North Carolina taxable income. Many of these deductions are related to the federal Work Opportunity, Welfare-to-Work, and fuel tax credits.
- 13. Royalty Payments Taxed by Related Member**  
**Description:** Exemption for royalty payments received from a related member who added the payments to income.  
**Citation:** G.S. 105-130.5(b)(20)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation
- 14. Discharge of Certain Indebtedness**  
**Description:** Section 108(i) of the Code allowed a business to cancel debt in 2009 and 2010, but defer paying taxes on the resultant income until a 5-year period beginning in 2014. NC decoupled from this provision. This deduction allows them to remove this amount from their NC taxable income in those future years.  
**Citation:** G.S. 105-130.5(b)(25)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation
- 15. Exemption for Adding Back Paid Royalties to Taxable Income**  
**Description:** A taxpayer that pays royalties to a related member that does not include this income on a North Carolina income tax return must add these payments to their taxable income. However, the addback may be foregone if the recipient of the payment is organized under the laws of another country that has a tax treaty with the U.S. and the country imposes a tax on the royalty income of the recipient at a rate that is equal to or exceeds the State's corporate income tax rate.  
**Citation:** G.S. 105-130.7A(c)(3)  
**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions
- 16. Certain Charitable Organizations**  
**Description:** Exemption for cemetery corporations and corporations organized for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.  
**Citation:** G.S. 105-130.11(a)(3)  
**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base - following the Joint Committee on Taxation's argument that the nonbusiness activities of charities predominate and unrelated business activities are subject to tax.
- 17. Nonprofit Business Associations**  
**Description:** Exemption for business leagues, chambers of commerce, merchants' associations or boards of trade not organized for profit.  
**Citation:** G.S. 105-130.11(a)(4)  
**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

## Appendix

### 18. Nonprofit Promoters of Social Welfare

**Description:** Exemption for civic leagues or organizations not organized for profit, but operated for the promotion of social welfare.

**Citation:** G.S. 105-130.11(a)(5)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

### 19. Nonprofit Agricultural Marketing Memberships

**Description:** Exemption for farmers', fruit growers' or like organization for the purposes of marketing member products.

**Citation:** G.S. 105-130.11(a)(8)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

### 20. Certain Agricultural Associations

**Description:** Exemption for mutual associations formed under G.S. 54-111 through 54-128 to conduct agricultural business on the mutual plan and marketing associations organized under GS 54-129 through 54-158.

**Citation:** G.S. 105-130.11(a)(9)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

### 21. Real Estate Mortgage Investment Conduits

**Description:** An entity that qualifies as a real estate mortgage investment conduit, per Section 860D of the Code is exempt.

**Citation:** G.S. 105-130.11(d)

**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

### 22. Distributed Earnings of Regulated Investment Companies and Real Estate Investment Trusts

**Description:** A regulated investment company or real estate investment trust shall be taxed only on that part of its net income which is not distributed or declared for distribution to shareholders.

**Citation:** G.S. 105-130.12

**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

### 23. S-Corporation Shareholders

**Description:** Credits shall be given to prevent double taxation of S-Corporation shareholders.

**Citation:** G.S. 105-131.8

**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

## Individual Income Tax

### 24. Right of Claim Itemized Deduction

**Description:** Deduction for repayment in the current year of an amount included in an earlier taxable year because it appeared that the taxpayer had an unrestricted right to such item.

**Citation:** G.S. 105-153.5(a)(2)d

**Reason for Excluding from Tax Expenditure List:** Avoid double taxation

- 25. U.S. Obligation Interest**  
**Description:** Deductions for interest upon the obligations of the U.S. or its possessions, to the extent included in federal taxable income.  
**Citation:** G.S. 105-153.5(b)(1)  
**Reason for Excluding from Tax Expenditure List:** Intergovernmental Reciprocity
- 26. Refunds of State, Local or Foreign Taxes in Federal AGI**  
**Description:** Refunds of state, local, and foreign income taxes included in the taxpayer's federal adjusted gross income are exempt.  
**Citation:** G.S. 105-153.5(b)(4)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation
- 27. Income from Federally-Recognized Indian Reservation**  
**Description:** Exemption for income that is (1) earned or received by an enrolled member of a federally recognized Indian Tribe and (2) derived from activities on a federally recognized Indian reservation while the member resides on the reservation.  
**Citation:** G.S. 105-153.5(b)(6)  
**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions
- 28. Adjustment to the Basis of Property**  
**Description:** Deduction for the amount by which the basis of property exceeds the basis of property under the Code, in the year the taxpayer disposes of the property.  
**Citation:** G.S. 105-153.5(b)(7)  
**Reason for Excluding from Tax Expenditure List:** The basis needs to be adjusted in order to apply the correct amount of taxation on capital gains and capital losses.
- 29. Discharge of Certain Indebtedness**  
**Description:** Deduction for the amount added to federal taxable income under section 108(i)(1) of the Code.  
**Citation:** G.S. 105-153.5(b)(10)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation.
- 30. Business-Related Deduction in Lieu of a Tax Credit**  
**Description:** A taxpayer may deduct an ordinary and necessary business expense that was not deducted from federal income due to the taxpayer taking a federal tax credit.  
**Citation:** G.S. 105-153.5(b)(11)  
**Reason for Excluding from Tax Expenditure List:** Business expenses are deductible as a normal part of the income tax.
- 31. Income Taxes Paid to Other States**  
**Description:** Individuals residing in North Carolina may receive a tax credit for income taxes paid to other states. The tax credit may not exceed the amount of income tax that would have been paid to North Carolina on the relevant income.  
**Citation:** G.S. 105-105.153.9  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation: The income has been taxed by another State

## Sales and Use Tax

- 32. Instructional Seminars and Workshops**  
**Description:** Tuition, registration fees, or charges to attend instructional seminars, conferences, or workshops for educational purposes are excluded from sales tax on entertainment activities.  
**Citation:** G.S. 105-164.4G(e)(2)  
**Effective Date:** admissions sold on or after May 29, 2014 (S.L. 2014-3)  
**Reason for Excluding from Tax Expenditure List:** Not in tax base
- 33. Political Contributions Related to an Entertainment Activity**  
**Description:** A political contribution is excluded from the sales tax on entertainment activities.  
**Citation:** G.S. 105-164.4G(e)(3)  
**Effective Date:** admissions sold on or after May 29, 2014 (S.L. 2014-3)  
**Reason for Excluding from Tax Expenditure List:** Not in tax base
- 34. Transportation Related to an Amusement**  
**Description:** An amount paid solely for transportation is excluded from the sales tax on entertainment activities.  
**Citation:** G.S. 105-164.4G(e)(5)  
**Effective Date:** admissions sold on or after May 29, 2014 (S.L. 2014-3)  
**Reason for Excluding from Tax Expenditure List:** Not in tax base
- 35. Farm Products Requiring Further Processing**  
**Description:** Exemption for sales of cotton, tobacco, peanuts or other farm products sold to manufacturers for further manufacturing or processing.  
**Citation:** G.S. 105-164.13(4)  
**Reason for Excluding from Tax Expenditure List:** Purchase of Intermediate Good
- 36. Baby Chicks or Poults Sold for Further Production**  
**Description:** Purchases by a qualified farmer for baby chicks and poults sold for commercial poultry or egg production.  
**Citation:** G.S. 105-164.13E(7)  
**Reason for Excluding from Tax Expenditure List:** Purchase of Intermediate Good
- 37. Manufactured Products Sold for Resale**  
**Description:** Exemption for sales of manufactured products produced and sold by manufacturers or producers to other manufacturers, producers, or registered retailers or wholesale merchants, for the purpose of resale.  
**Citation:** G.S. 105-164.13(5)  
**Reason for Excluding from Tax Expenditure List:** Purchase of Intermediate Good
- 38. Ingredients in Manufacturing Process**  
**Description:** Exemption for sales to a manufacturer of tangible personal property that enters into or becomes an ingredient or component part of tangible personal property that is manufactured.  
**Citation:** G.S. 105-164.13(8)  
**Reason for Excluding from Tax Expenditure List:** Purchase of Intermediate Good

- 39. Articles Repossessed by Vendor**  
**Description:** Exemption for sales of an article repossessed by the vendor if the tax was paid on the sales price of the article.  
**Citation:** G.S. 105-164.13(16)  
**Reason for Excluding from Tax Expenditure List:** Not in the Tax Base
- 40. Sales with Constitutional Protection**  
**Description:** Sales which a state would be without power to tax under the limitations of the Constitution or laws of the United States or under the Constitution of this State.  
**Citation:** G.S. 105-164.13(17)  
**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions
- 41. Items for Use on Ocean-Going Vessels**  
**Description:** Sales of fuel and other items for use or consumption by or on ocean-going vessels.  
**Citation:** G.S. 105-164.13(24)  
**Reason for Excluding from Tax Expenditure List:** Sales for Use Outside North Carolina
- 42. Sales on Cherokee Indian Reservation**  
**Description:** Exemption for sales by merchants on the Cherokee Indian Reservation.  
**Citation:** G.S. 105-164.13(25)  
**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions
- 43. Articles Purchased for Export to a Foreign Country**  
**Description:** Exemption for tangible property purchased solely for the purpose of export to a foreign country for exclusive use or consumption in that or some other foreign country.  
**Citation:** G.S. 105-164.13(33)  
**Reason for Excluding from Tax Expenditure List:** Sales for Use Outside North Carolina
- 44. Purchases Delivered Outside N.C.**  
**Description:** Exemption for tangible property sold by a retailer to purchasers within or without this State, when the property is delivered in this State to a common carrier or to the United States Postal Service for delivery to the purchaser or the purchaser's designees outside this State and the purchaser does not subsequently use the property in this State.  
**Citation:** G.S. 105-164.13(33a)  
**Reason for Excluding from Tax Expenditure List:** Sales for Use Outside North Carolina
- 45. Food Stamp Purchases**  
**Description:** Exemption for food and other items lawfully purchased under the Food Stamp Program or WIC.  
**Citation:** G.S. 105-164.13(38)  
**Reason for Excluding from Tax Expenditure List:** Federal law prohibits state or local taxation.

## Appendix

### 46. **Deposit on Returnable Beverage Container**

**Description:** Exemption for an amount charged as a deposit on a beverage container that is returnable to the vendor for reuse when the amount is refundable or creditable to the vendee.

**Citation:** G.S. 105-164.13(47)

**Reason for Excluding from Tax Expenditure List:** Not a Final Sale

### 47. **Deposit on Returnable Replacement Part**

**Description:** Exemption for an amount charged as a deposit on an aeronautic, automotive, industrial, marine or farm replacement part that is returnable to the vendor for rebuilding or remanufacturing when the amount is refundable or creditable to the vendee. This exemption does not include tires or batteries.

**Citation:** G.S. 105-164.13(48)

**Reason for Excluding from Tax Expenditure List:** Not a Final Sale

### 48. **Resold Telecommunications Services**

**Description:** Telecommunications service that is a component part of or is integrated into a telecommunications service that is resold.

**Citation:** G.S. 105-164.13(54)a

**Reason for Excluding from Tax Expenditure List:** Not a Final Sale

### 49. **Repair, Maintenance and Installation Services Purchased for Resale**

**Description:** Exemption for repair, maintenance and installation services purchased for resale. (Enacting Legislation: S.L. 2015-241)

**Citation:** G.S. 105-164.13(61b)

**Reason for Excluding from Tax Expenditure List:** Not a Final Sale

### 50. **Food, Prepared Food and Related Items Covered under a Prepaid Meal Plan**

**Description:** Exemption for food and prepared food to be provided to a person entitled to the food under a prepaid meal plan subject to tax under G.S. 105-164.4(a)(12). (Enacting Legislation: S.L. 2014-3)

**Citation:** G.S. 105-164.13(63)

**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

## Highway Use Tax

### 51. **Resale of Automobile by Manufacturer or Retailer**

**Description:** Full exemption when a certificate of title is issued to either a manufacturer or a motor vehicle retailer for the purpose of resale.

**Citation:** G.S. 105-187.6(a)(2)

**Reason for Excluding from Tax Expenditure List:** Not a Final Sale

### 52. **Correction in Owner's Name on Title**

**Description:** Full exemption when a certificate of title is issued to the same owner to reflect a change or correction in the owner's name.

**Citation:** G.S. 105-187.6(a)(3)

**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation

- 53. Removal of a Co-Owner's Name from Title**  
**Description:** Full exemption when a certificate of title is issued to one or more of the same co-owners to reflect the removal of one or more other co-owners.  
**Citation:** G.S. 105-187.6(a)(3a)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation
- 54. Transfer of Government-Operated Vehicle Through a State Agency**  
**Description:** Full exemption for sale to a State agency from a unit of local government, volunteer fire department, or volunteer rescue squad to enable the State agency to transfer the vehicle to another unit of local government, volunteer fire department, or volunteer rescue squad.  
**Citation:** G.S. 105-187.6(a)(10)  
**Reason for Excluding from Tax Expenditure List:** Not a Final Sale
- 55. Change in Title Due to Marital Separation or Divorce**  
**Description:** Full exemption when a certificate of title is issued by a distribution of marital or divisible property incident to a marital separation or divorce.  
**Citation:** G.S. 105-187.6(a)(6)  
**Reason for Excluding from Tax Expenditure List:** Avoid Double Taxation
- 56. Salvage Vehicles**  
**Description:** Full exemption when a certificate of title is issued to the insurer of the motor vehicle because the vehicle is a salvage vehicle.  
**Citation:** G.S. 105-187.6(a)(1)  
**Reason for Excluding from Tax Expenditure List:** Not a Final Sale

### Tax on Insurance Companies

- 57. Premiums from Federal Employees Health Benefits Plan and Medicare or Medicaid**  
**Description:** Excludes premiums to the extent prohibited by federal law from Federal Employees Health Benefits Plan and Medicare or Medicaid.  
**Citation:** G.S. 105-228.5(c)(4)  
**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

### Excise Tax on Motor Fuels and Alternative Fuels

- 58. Sales for Out-of-State Use**  
**Description:** The excise tax on motor fuel does not apply to motor fuel removed from a terminal for export if the motor fuel is removed by a licensed distributor or a licensed exporter and the supplier of the motor fuel collects tax on it at the rate of the motor fuel's destination state.  
**Citation:** G.S. 105-449.88(1)  
**Reason for Excluding from Tax Expenditure List:** Sale for Use Outside North Carolina

**59. Sales to Out-of-State Suppliers**

**Description:** The tax does not apply to motor fuel removed by transport truck from a terminal for export if the motor fuel is removed by a licensed distributor or licensed exporter, the supplier that is the position holder for the motor fuel sells the motor fuel to another supplier as the motor fuel crosses the terminal rack, the purchasing supplier or its customer receives the motor fuel at the terminal rack for export, and the supplier that is the position holder collects the tax on the motor fuel at the rate of the motor fuel's destination state.

**Citation:** G.S. 105-449.88(1a)

**Reason for Excluding from Tax Expenditure List:** Sale for Use Outside North Carolina

**60. Sales to the Federal Government**

**Description:** The tax does not apply to motor fuel sold to the federal government for its use.

**Citation:** G.S. 105-449.88(2)

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

**61. Diesel Sold to an Airport**

**Description:** Exemption for sales of diesel that is kerosene and sold to an airport.

**Citation:** G.S. 105-449.88(5)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

**62. Refunds for Sale to Exempt Entity**

**Description:** An entity whose use of motor fuel is exempt from tax may obtain a refund of any motor fuel excise tax the entity pays. The person who sells the fuel to the exempt entity is also allowed to obtain a refund of any taxes paid on the fuel.

**Citation:** G.S. 105-449.105(a)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

**63. Sale of Kerosene for Uses Not Related to Motor Vehicles**

**Description:** A distributor who sells kerosene may obtain a refund for the excise tax paid on the kerosene if the distributor dispenses the kerosene into a storage facility for use in: (1) heating, (2) drying crops, (3) a manufacturing process. The storage facility must be installed in a manner that makes use of the fuel for any other purpose improbable.

**Citation:** G.S. 105-449.105A

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

**64. Motor Fuel for Off-Highway Equipment**

**Description:** Quarterly refunds of the estimated entire tax to a person who purchases and uses motor fuel to operate special mobile equipment off-highway. (Special mobile equipment is a vehicle that has a permanently attached crane, mill, ditch-digging apparatus, or similar attachment. It is not designed or used primarily for the transportation of persons or property.)

**Citation:** G.S. 105-449.106(c)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

**65. Sale of Motor Fuel for Uses Not Related to Highway Vehicle**

**Description:** Refund for purchases and uses of motor fuel for a purpose other than to operate a licensed highway vehicle.

**Citation:** G.S. 105-449.107(a)

**Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

**66. Sales to Cherokee Indian Reservation**

**Description:** Refund for motor fuels and special fuels taxes to the Cherokee Indians on behalf of its members who reside on or engage in otherwise taxable transactions within Cherokee trust lands.

**Citation:** G.S. 105-449.114

**Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions