

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1013

Short Title: Farmer Fuel Tax Refund.

(Public)

Sponsors: Senators Albertson; and Harris.

Referred to: Finance.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE MOTOR FUEL TAX REFUNDS FOR CERTAIN FARM
VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-449.106 reads as rewritten:

"§ 105-449.106. **Quarterly refunds for certain local governmental entities, nonprofit organizations, taxicabs, and special mobile equipment, equipment, and farm vehicles.**

(a) Government and Nonprofits. – A local governmental entity or a nonprofit organization listed below that purchases and uses motor fuel may receive a quarterly refund, for the excise tax paid during the preceding quarter, at a rate equal to the amount of the flat cents-per-gallon rate plus the variable cents-per-gallon rate in effect during the quarter for which the refund is claimed, less one cent (1¢) per gallon.

An application for a refund allowed under this subsection must be made in accordance with this Part and must be signed by the chief executive officer of the entity. The chief executive officer of a nonprofit organization is the president of the organization or another officer of the organization designated in the charter or bylaws of the organization.

Any of the following entities may receive a refund under this subsection:

- (1) A county or a municipal corporation.
- (2) A private, nonprofit organization that transports passengers under contract with or at the express designation of a unit of local government.
- (3) A volunteer fire department.
- (4) A volunteer rescue squad.
- (5) A sheltered workshop recognized by the Department of Health and Human Services.

1 (b) Taxi. – A person who purchases and uses motor fuel in a taxicab, as defined
2 in G.S. 20-87(1), while the taxicab is engaged in transporting passengers for hire, or in a
3 bus operated as part of a city transit system that is exempt from regulation by the North
4 Carolina Utilities Commission under G.S. 62-260(a)(8), may receive a quarterly refund,
5 for the excise tax paid during the preceding quarter, at a rate equal to the flat cents-per-
6 gallon rate plus the variable cents-per-gallon rate in effect during the quarter for which
7 the refund is claimed, less one cent (1¢) per gallon. An application for a refund must be
8 made in accordance with this Part.

9 (c) Special Mobile Equipment. – A person who purchases and uses motor fuel to
10 operate special mobile equipment off-highway may receive a quarterly refund, for the
11 excise tax paid during the preceding quarter, at a rate equal to the flat cents-per-gallon
12 rate plus the variable cents-per-gallon rate in effect during the quarter for which the
13 refund is claimed, less the amount of sales and use tax due on the fuel under this
14 Chapter, as determined in accordance with G.S. 105-449.107(c). An application for a
15 refund must be made in accordance with this Part.

16 (d) Farm Vehicles. – A person who purchases and uses motor fuel to operate a
17 qualified farm vehicle may receive a quarterly refund, for the excise tax paid during the
18 preceding quarter, at a rate equal to the flat cents-per-gallon rate plus the variable
19 cents-per-gallon rate in effect during the quarter for which the refund is claimed, less
20 one cent (1¢) per gallon. For the purpose of this subsection, a qualified farm vehicle is a
21 vehicle that is either a farm tractor as defined in G.S. 20-4.01 or a vehicle licensed at the
22 farmer rate under G.S. 20-88(b), and is owned by a taxpayer who owns property
23 classified for use value taxation under G.S. 105-277.3 during the quarter for which the
24 refund is claimed. An application for a refund must be made in accordance with this
25 Part."

26 **SECTION 2.** This act becomes effective July 1, 2001, and applies to fuel
27 used on or after that date.