

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On all Forms, please include the Rule Name in box 2.

In box 6, please provide the date that the agency adopted the Rules, rather than the readoption deadline.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12A .0201

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (d), do you mean “receipts or invoices maintained for purposes of this Rule, shall be maintained...” I assume that you don’t care about receipts or invoices if they aren’t requesting a credit. If that is correct, please clarify in the Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 17 NCAC 12A .0201 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **SECTION .0200 – NORTH CAROLINA FUEL PURCHASES**

5
6 **17 NCAC 12A .0201 ~~NC RETAIL FUEL PURCHASE INVOICES RECEIPT OR INVOICE~~**
7 **REQUIREMENTS TO OBTAIN CREDIT FOR RETAIL FUEL PURCHASES**

8 (a) To obtain credit for retail tax-paid purchases for a motor carrier licensed pursuant to G.S. 105-449.47, the motor
9 carrier shall retain a receipt or invoice that establishes the purchases and payment of the tax. Examples of receipts or
10 invoices include a credit card receipt, a microfilm or microfiche copy of the receipt or invoice, an automated vendor
11 generated invoice or transaction list, or a computer image of the receipt or invoice. Prepaid receipts or invoices shall
12 not be used to obtain credit for retail tax-paid purchases.

13 ~~(a)~~ (b) North Carolina retail fuel purchase receipts or invoices used by a motor carrier to obtain credit for retail tax-
14 paid purchases must shall contain the following information:

- 15 (1) ~~Date~~ the date of purchase;
- 16 (2) ~~Name~~ the name and address of the seller;
- 17 (3) ~~Number~~ the number of gallons purchased;
- 18 (4) ~~Type~~ the type of fuel purchased;
- 19 (5) ~~Price per gallon;~~ the price per gallon or total sales amount;
- 20 (6) ~~Either the company unit number a vehicle number, equipment number, or other identifier of the~~
21 ~~vehicle or equipment into which the fuel was placed or the vehicle's license plate designation and~~
22 ~~the state that issued the plate; and placed;~~
- 23 (7) the vehicle license plate number and the state that issued the plate for the vehicle into which the fuel
24 was placed; and
- 25 ~~(7)(8)~~ Purchaser's the purchaser's name. In the case of a leased vehicle, either the lessee or the lessor ~~can~~
26 may submit receipts or invoices as the purchaser if the person who submits the receipts or invoices
27 can establish a ~~legal connection to~~ current lease agreement exists with the person required to file a
28 ~~report.~~ return.

29 ~~(b) In order for the motor carrier to obtain credit for retail tax paid purchases, a receipt or invoice, a credit card receipt,~~
30 ~~a microfilm/microfiche copy or a computer image of the receipt or invoice must be retained by the motor carrier~~
31 ~~establishing the purchases and payment of the tax.~~

32 (c) Separate retail fuel purchase receipts or invoices shall be maintained for motor fuel purchased for highway vehicle
33 use, off-highway vehicle use, and equipment use.

34 ~~(e)(d)~~ Invoices Receipts or invoices must shall be maintained for a period of at least ~~three~~ four years for possible audit
35 ~~by an agent of the North Carolina Department of Revenue.~~ years.

36
37 *History Note: Authority G.S. 105-262; 105-449.39; 105-449.57;*

1 *Eff. January 1, 1983;*
2 *Amended Eff. October 1, 1991; February 1, 1990;*
3 *Recodified from 17 NCAC 09I .0201 Eff. November 1, 2002;*
4 *Amended Eff. August 1, ~~2003~~ 2003;*
5 *Readopted with changes Eff. August 31, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12A .0202

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is the International Fuel Tax Agreement return? Is this a form of DOR? If so, are the contents set forth elsewhere in rule or statute?

In (a), line 7, please define "qualified" in "qualified motor vehicle." Is the meaning of "qualified" set forth elsewhere in rule or statute? If so, please consider providing a cross-reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 17 NCAC 12A .0202 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12A .0202 WITHDRAWALS FROM BULK STORAGE**

5 (a) A motor carrier maintaining bulk storage of North Carolina ~~tax-paid~~ tax-paid motor fuel ~~is~~ shall be entitled to
6 credit on the ~~highway fuel use tax report~~ International Fuel Tax Agreement (IFTA) return based on the date the fuel
7 is put into the qualified motor vehicle as defined in the International Fuel Tax Agreement ~~not~~ and shall not be based
8 on the date of purchase.

9 (b) A motor carrier who withdraws fuel from bulk storage ~~must~~ shall maintain withdrawal records containing the
10 following information:

- 11 (1) ~~Date~~ the date of withdrawal;
- 12 (2) ~~Number~~ the number of gallons;
- 13 (3) ~~Fuel~~ the fuel type;
- 14 (4) ~~Company~~ a vehicle unit number or vehicle license plate number and ~~state;~~ state, equipment number,
15 or other identifier for the vehicle or equipment into which the fuel was placed; and
- 16 (5) ~~Purchase~~ the purchase and inventory records to substantiate that tax was paid on ~~all~~ bulk purchases.

17 Inventory records shall include:

- 18 (A) tank number, tank location, tank capacity;
- 19 (B) fuel type;
- 20 (C) monthly beginning and ending inventories;
- 21 (D) monthly totalizer readings;
- 22 (E) fuel purchase receipts, invoices or bills of lading, including withdrawal details, and
23 whether the fuel was dispensed for highway or off-highway use.

24 ~~(c) Upon application by the motor carrier, the State may waive the requirement of unit numbers for fuel withdrawn~~
25 ~~from it's own bulk storage and placed in its subject vehicles. The motor carrier must show that adequate records are~~
26 ~~maintained to distinguish fuel placed into subject vehicles from that placed into non-subject vehicles.~~

27

28 *History Note: Authority G.S. 105-262; 105-449.39; 105-449.37; 105-449.57;*
29 *Eff. January 1, 1983;*
30 *Amended Eff. February 1, 1990; May 1, 1987; March 1, 1987;*
31 *Recodified from 17 NCAC 09I .0202 effective November 1, 2002. 2002;*
32 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12A .0303 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12A .0303 ~~TYPES OF ACCEPTABLE BONDS~~ MOTOR CARRIER BOND**
5 **REQUIREMENTS**

6 ~~The Motor Fuels Tax Division will accept surety bonds on Form Gas 1212, furnished by this Division, executed by~~
7 ~~any surety company licensed to do business in this State. The Division will also accept bonds secured by any of the~~
8 ~~following types of collateral if the proposed collateral has a fair market value that is at least 115% of the amount~~
9 ~~required:~~

- 10 ~~(1) Certificates of deposit or cashier's checks made payable to the taxpayer.~~
- 11 ~~(2) Negotiable U.S. Treasury bonds.~~
- 12 ~~(3) Negotiable U.S. Treasury notes.~~
- 13 ~~(4) Public School Facilities bonds.~~
- 14 ~~(5) Housing Finance Agency bonds.~~
- 15 ~~(6) General Obligation Bonds of the State of North Carolina or one of its political subdivisions with a~~
16 ~~rating of at least BBB.~~
- 17 ~~(7) Revenue Bonds of the State of North Carolina or one of its political subdivisions with a rating of at~~
18 ~~least BBB.~~

19 (a) The bond submitted to the Department pursuant to G.S. 105-449.40 shall be filed on Form GAS-1212, Motor Fuels
20 Tax Liability Bond, and shall include the following information:

- 21 (1) the bond number;
- 22 (2) the Principal's legal name;
- 23 (3) the surety company name;
- 24 (4) the written value of bond amount;
- 25 (5) the numeric value of bond amount;
- 26 (6) the bond effective date;
- 27 (7) the date the bond is executed;
- 28 (8) the printed name, signature, and title of person authorized to legally bind the Principal in accordance
29 with the following:

- 30 (A) if the Principal is a corporation, the printed name, signature, and title of the corporate
31 President, Vice President, or Treasurer, the signature and title of the corporate Secretary or Assistant
32 Secretary must attest to the bond, and the corporate seal shall be affixed. If a corporation does not
33 have a corporate Secretary or corporate seal, the executed bond shall be accompanied by a letter
34 indicating the same on corporate letterhead and signed by the corporate President;
- 35 (B) if the Principal is a limited liability company, the printed name, signature, and title of any
36 member;

1 (C) if the Principal is a partnership, the printed name, signature, and title of one or more of the
2 partners;

3 (D) if the Principal is a limited partnership, the printed name, signature, and title of a general
4 partner; or

5 (E) if the Principal is an individual using a trade name, the printed name and signature of the
6 individual followed by the trade name.

7 (9) Printed name and signature of the Attorney-in-Fact on behalf of the surety company, and the surety's
8 corporate seal shall be affixed; and

9 (10) The bond shall be accompanied by a verified copy of the Power-of-Attorney or other authority of
10 the person executing the same to do so on behalf of the surety.

11 (b) The Department shall calculate a motor carrier's average tax liability or refund for a reporting period and set the
12 bond amount consistent with G.S. 105-449.40(b).

13
14 *History Note: Authority G.S. 105-262; 105-449.40; 105-449.57;*

15 *Eff. January 1, 1983;*

16 *Amended Eff. August 1, 1998; January 1, 1992; October 1, 1991; March 1, 1987;*

17 *Recodified from 17 NCAC 09I .0304 effective November 1, ~~2002~~ 2002;*

18 *Readopted with changes Eff. August 31, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12A .0503

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, has the International Fuel Tax Agreement been incorporated by reference already elsewhere in your Rules? If not, please incorporate this by reference in accordance with 150B-21.6.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 17 NCAC 12A .0503 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12A .0503 DEALER: MANUFACTURER: DRIVEAWAY: TRANSPORTER**

5 Motor carriers operating qualified motor vehicles as defined by the International Fuel Tax Agreement (IFTA) with a
6 dealer, manufacturer, ~~driveaway~~ driveaway, or transporter license ~~plate, plate~~ issued either in North Carolina or other
7 jurisdictions, ~~jurisdictions~~ must obtain a registration and a vehicle identification marker, from the Motor Fuels Tax
8 ~~Division or another International Fuel Tax Agreement (IFTA) jurisdiction. These vehicles must shall~~ have a
9 ~~registration and vehicle identification marker~~ current IFTA or intrastate license and set of decals at all times while
10 operating in North Carolina.

11

12 *History Note: Authority G.S. 105-262; 105-449.45; 105-449.47; 105-449.57;*

13 *Eff. March 1, 1987;*

14 *Amended Eff. January 1, 1994; January 1, 1992; October 1, 1991; February 1, 1990;*

15 *Recodified from 17 NCAC 09I .0506 effective November 1, ~~2002~~ 2002;*

16 *Readopted with changes Eff. August 31, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12B .0106

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

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In reviewing this Rule, the staff recommends the following technical changes be made:

Because there is no (b), please delete the "(a)"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 17 NCAC 12B .0106 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12B .0106 ~~TYPES OF ACCEPTABLE BONDS~~ MOTOR FUEL BOND REQUIREMENTS**

5 ~~A surety bond is acceptable to the Motor Fuels Tax Division if it is filed on Form Gas 1212 and executed by a surety~~
6 ~~company licensed to do business in this State. A bond secured by collateral is acceptable to the Division if it meets~~
7 ~~the requirements of 17 NCAC 12A .0303. When a financial institution provides the Division with the necessary data~~
8 ~~for a bond secured by collateral, the Division prepares a Pledge of Collateral and gives this document to the applicant~~
9 ~~for execution.~~

10 (a) The bond submitted to the Department pursuant to G.S. 105-449.72 shall be filed on Form GAS-1212, Motor Fuels
11 Tax Liability Bond, and shall include the following information:

12 (1) the bond number;

13 (2) the Principal's legal name;

14 (3) the surety company name;

15 (4) the written value of bond amount;

16 (5) the numeric value of bond amount;

17 (6) the bond effective date;

18 (7) the date the bond is executed;

19 (8) the printed name, signature, and title of person authorized to legally bind Principal as follows:

20 (A) if the Principal is a corporation, the printed name, signature, and title of the corporate
21 President, Vice President, or Treasurer, the signature and title of the corporate Secretary or Assistant
22 Secretary shall attest to the bond, and the corporate seal shall be affixed. If a corporation does not
23 have a corporate Secretary or corporate seal, the executed bond shall be accompanied by a letter
24 indicating the same on corporate letterhead and signed by the corporate President;

25 (B) if the Principal is a limited liability company, the printed name, signature, and title of any
26 member;

27 (C) if the Principal is a partnership, the printed name, signature, and title of one or more of the
28 partners;

29 (D) if the Principal is a limited partnership, the printed name, signature, and title of a general
30 partner; or

31 (E) if the Principal is an individual using a trade name, the printed name and signature of the
32 individual followed by the trade name.

33 (9) the printed name and signature of the Attorney-in-Fact on behalf of the surety company, and the
34 surety's corporate seal shall be affixed; and

35 (10) the bond shall be accompanied by a verified copy of the Power-of-Attorney or other authority of the
36 person executing the same to do so on behalf of the surety.

1 (b) The Department shall calculate a motor fuel licensee's average monthly tax liability and set the bond amount
2 consistent with G.S. 105-449.72(a)(2), unless the bond amount is otherwise set by G.S. 105-449.72(a)(1).

3

4 *History Note: Authority G.S. 105-262; 105-449.72;*
5 *Temporary Adoption Eff. January 1, 1996;*
6 *Eff. March 1, 1996;*
7 *Amended Eff. August 1, 1998;*
8 *Recodified from 17 NCAC 09K .0205 Eff. November 1, 2002;*
9 *Amended Eff. August 1, ~~2003~~ 2003;*
10 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12B .0107 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12B .0107 IRREVOCABLE LETTER OF CREDIT**

5 ~~The Motor Fuels Division will shall accept an irrevocable letter of credit executed on the Department's Form Gas~~
6 ~~4220.~~

7 The irrevocable letter of credit submitted to the Department pursuant to G.S. 105-449.72 shall be issued on the bank's
8 letterhead and include the following:

9 (1) the irrevocable letter of credit number;

10 (2) the North Carolina Department of Revenue designated as the beneficiary;

11 (3) the Principal name and address;

12 (4) the tax type for which the irrevocable letter of credit is issued;

13 (5) the coverage period including effective and expiration dates;

14 (6) the liability release date, which shall be three years after the expiration date;

15 (7) the credit amount;

16 (8) the issuing bank's name, address, telephone number, and fax number; and

17 (9) the signature, printed name, and title of authorized person issuing the irrevocable letter of credit on
18 behalf of the issuing bank.

19

20 *History Note: Authority G.S. 105-262; 105-449.72;*

21 *Temporary Adoption Eff. January 1, 1996;*

22 *Eff. March 1, 1996;*

23 *Recodified from 17 NCAC 09K .0206 effective November 1, 2002. 2002.;*

24 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12B .0402 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **17 NCAC 12B .0402 CLAIM FOR REFUND FOR SALES TO EXEMPT ENTITIES**

5 ~~Part 1 of Form Gas 1206 applies to a distributor or another vendor that sells tax paid motor fuel to an exempt entity~~
6 ~~at a price that does not include the per gallon excise tax. Part 2 of Form Gas 1206 applies to a credit card company~~
7 ~~that issues a credit card to an exempt entity that allows the entity to purchase tax paid motor fuel at a price that does~~
8 ~~not include the per gallon excise tax. Part 3 of Form Gas 1206 applies to an exempt entity that purchases motor fuel~~
9 ~~at a price that includes the per gallon excise tax. A person who submits Form Gas 1206 must complete the applicable~~
10 ~~Part of the form and submit copies of sales or purchase invoices, as appropriate, with the form.~~

11 (a) A claim for refund for motor fuel purchased by or sold to an exempt entity listed in G.S. 105-449.88 shall be filed
12 with the Department on Form GAS-1206, Motor Fuel Claim for Refund Exempt Entities. A person who submits Form
13 GAS-1206 shall identify the type of exempt entity for which the refund is sought and shall complete the applicable
14 Part of the form as follows:

15 (1) A distributor or other vendor that sells North Carolina tax-paid motor fuel to an exempt entity at a price
16 that does not include the per gallon excise tax shall use Part 1 of Form GAS-1206 and report the following:

17 (A) the total gallons of motor fuel sold to the exempt entity;

18 (B) the total gallons on which tare allowance was received;

19 (C) the net gallons subject to refund; and

20 (D) the total refund due.

21 (2) A credit card company that issues a credit card to an exempt entity allowing the entity to purchase North
22 Carolina tax-paid motor fuel that does not include the per gallon excise tax shall use Part 2 of Form GAS-
23 1206 and report the following:

24 (A) the total gallons of motor fuel purchased by the exempt entity; and

25 (B) the total refund due.

26 (3) An exempt entity that purchases motor fuel in North Carolina at a price that includes the per gallon excise
27 tax shall use Part 3 of Form GAS-1206 and report the following:

28 (A) the total gallons of motor fuel purchased; and

29 (B) the total refund due.

30 (b) Sales or purchase receipts or invoices for North Carolina tax-paid motor fuel purchased by or sold to an exempt
31 entity shall be maintained to support a claim for refund for a period of at least three years.

32 (c) A separate Form GAS-1206 shall be used for each type of exempt entity for which a refund is requested.

33 (d) A refund on motor fuel purchased by or sold to an exempt entity shall only be claimed by one party to the
34 transaction.

35
36 *History Note: Authority G.S. 105-262; 105-449.105; 105-449.108;*

37 *Temporary Adoption Eff. January 1, 1996;*

1 *Eff. March 1, 1996;*
2 *Recodified from 17 NCAC 09K .0502 Eff. November 1, 2002;*
3 *Amended Eff. August 1, 2003.*
4 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12B .0403 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **17 NCAC 12B .0403 OFF-HIGHWAY CLAIM FOR REFUND APPLICATION INFORMATION**

5 ~~The following information must be given on the application for refund of tax paid on motor fuels used for off highway~~
6 ~~purpose:~~

- 7 (1) ~~_____ The name of machinery or equipment in which motor fuels will be used and engine or motor number;~~
8 (2) ~~_____ The type of storage equipment used for storing motor fuels used for highway and off highway~~
9 ~~purposes and storage capacity;~~
10 (3) ~~_____ If the applicant is a farmer, each kind of crop and number of acres under cultivation;~~
11 (4) ~~_____ The make, type of vehicles, model and license number, if motor fuel is used in licensed motor~~
12 ~~vehicles from the same storage tank from which off highway equipment is serviced;~~
13 (5) ~~_____ The number of gallons of motor fuel on hand at the beginning of refund period and the number of~~
14 ~~gallons on hand at the end of the refund period;~~
15 (6) ~~_____ The number of gallons used for off highway purposes; and if motor fuel is used from same storage~~
16 ~~to operate both licensed motor vehicles and off highway equipment, the number of gallons used~~
17 ~~during the refund period in licensed motor vehicles.~~

18
19 (a) A claim for refund for North Carolina tax-paid motor fuel used for an off-highway purpose shall be filed with the
20 Department on Form GAS-1201, Motor Fuels Claim for Refund Tax-Paid Motor Fuel Used Off-Highway. A person
21 who submits Form GAS-1201 shall complete all lines and applicable parts of the form as follows:

- 22 (1) _____ a beginning inventory of North Carolina tax-paid motor fuel on hand at the first day of the year for
23 which a refund is requested;
24 (2) _____ the total gallons of North Carolina tax-paid motor fuel that was:
25 (A) _____ purchased during the refund period;
26 (B) _____ used in off-highway equipment for which a refund is requested; and
27 (C) _____ used in licensed vehicles for which no refund is requested;
28 (3) _____ an ending inventory of North Carolina tax-paid motor fuel on hand at the end of the refund period;
29 (4) _____ the total gallons of North Carolina tax-paid motor fuel accounted for;
30 (5) _____ the total refund amount requested;
31 (6) _____ a list of applicable off-highway machinery, equipment, and boats using North Carolina tax-paid
32 motor fuel for which a refund is requested, including the type and number of machinery, equipment, or boat(s)
33 and fuel tank capacity;
34 (7) _____ a list of applicable motor fuel bulk storage tanks, including tank number, fuel type, whether the fuel
35 is for highway or off-highway use, and the gallon capacity of the tank;
36 (8) _____ a list of applicable motor vehicles owned or leased, including the make and type of vehicle, type of
37 fuel used, and gross license weight for trucks; and

1 (9) a list of applicable farm refund information, including the type of crop and number of acres
2 cultivated.

3 (b) Receipts or invoices to support a claim for refund on North Carolina tax-paid motor fuel shall be maintained for
4 a period of at least three years.

5
6 *History Note: Authority G.S. 105-262; 105-449.107; 105-449.108;*
7 *Temporary Adoption Eff. January 1, 1996;*
8 *Eff. March 1, 1996;*
9 *Recodified from 17 NCAC 09K .0503 effective November 1, ~~2002~~. 2002;*
10 *Readopted with changes Eff. August 31, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12B .0404

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

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In reviewing this Rule, the staff recommends the following technical changes be made:

This Rule appears to be missing an overview of the type of refund that it applies to. Many of your other Rules contain a version of this information. Was it intentional that it not be included here?

Please provide some introductory language in (a) that will link it to (1). Would it be appropriate to simply add something like "as follows:"?

In (a)(3), please change "acceptable" to "accepted."

Please end (b)(1) through (3) with semi-colons, and add "and" at the end of (b)(3)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 17 NCAC 12B .0404 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **17 NCAC 12B .0404** ~~**OFF-HIGHWAY REFUND INVOICE REQUIREMENTS RECORD**~~
5 **REQUIREMENTS FOR OFF-HIGHWAY REFUND CLAIMS**

6 ~~An invoice for each purchase of motor fuel must be submitted with the claim for refund for purchases made for~~
7 ~~off highway use during the refund period. Invoices must show the date of purchase, the name of both the purchaser~~
8 ~~and seller, the address of the seller, the number of gallons purchased, the price per gallon, and the amount paid. A~~
9 ~~daily, weekly, or monthly statement of purchases of motor fuel is acceptable provided it is prepared by the seller and~~
10 ~~shows all of the information on each purchase of motor fuel that is required on an individual invoice. Invoices and~~
11 ~~statements showing alterations or erasures are not acceptable. If no claim for refund was filed for the preceding refund~~
12 ~~period, an invoice or statement must be attached to substantiate inventory at the beginning of the refund period.~~

13 (a) For each retail purchase of motor fuel made for off-highway use, a receipt or invoice shall be maintained for
14 claims for refund.

15 (1) Receipts or invoices shall contain the following information:

16 (A) the date of purchase;

17 (B) the name of both the purchaser and seller;

18 (C) the address of the seller;

19 (D) the number of gallons purchased; and

20 (E) the type of fuel purchases;

21 (F) the price per gallon, the total amount paid, or both.

22 (G) a vehicle number, equipment number, or other identifier of the vehicle or equipment being
23 fueled;

24 (2) A daily, weekly, or monthly statement of retail motor fuel purchases shall be accepted provided it is
25 prepared by the seller and shows all of the information on each purchase of motor fuel that is required on an
26 individual receipt or invoice.

27 (3) Receipts, invoices, or statements showing alterations or erasures, and prepaid receipts or invoices, shall
28 not be acceptable.

29 (4) Receipts, invoices, or statements shall be maintained to substantiate inventory at the beginning of the
30 refund period even if no claim for refund was filed in the preceding refund period.

31 (5) Receipts, invoices, or statements shall be maintained for a period of at least three years.

32 (b) For withdrawals of motor fuel from bulk storage for off-highway use, the following records shall be maintained
33 for claims for refunds:

34 (1) Delivery receipts or invoices that shall contain the information listed in Subparagraphs (a)(1)(A) through
35 (a)(1)(G) of this Rule.

36 (2) A monthly inventory reconciliation for each bulk tank.

37 (3) The capacity of each tank.

1 (4) Withdrawal records for each bulk tank. Bulk withdrawal records shall contain the following information:

2 (A) the location of the bulk storage from which the withdrawal was made;

3 (B) the date of the withdrawal;

4 (C) the quantity of fuel withdrawn;

5 (D) the type of fuel withdrawn; and

6 (E) the vehicle number, equipment number, or other identifier of the vehicle or equipment
7 being fueled.

8 *History Note: Authority G.S. 105-262; 105-449.107; 105-449.121*

9 *Temporary Adoption Eff. January 1, 1996;*

10 *Eff. March 1, 1996;*

11 *Recodified from 17 NCAC 09K .0504 Eff. November 1, 2002.*

12 *Amended Eff. August 1, ~~2003~~ 2003;*

13 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12B .0410 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12B .0410 REMOVAL OF LICENSE PLATE**

5 ~~(a) In order to~~ To obtain a ~~refund,~~ refund on North Carolina tax-paid motor fuel used in vehicles that will not be
6 operated on streets or highways, a person ~~may~~ shall remove ~~his~~ the vehicle license plates and surrender the plates to
7 the Commissioner of Motor ~~Vehicles,~~ Vehicles or his ~~agents,~~ agents or the ~~Motor Fuel Tax Division, North Carolina~~
8 ~~Department of Revenue,~~ for the period the vehicles will not be operating on the streets and highways.

9 ~~(b) Any person requesting a refund on tax paid motor fuel used in motor vehicles on which the license plates have~~
10 ~~not been removed and surrendered will have the refund claim disallowed.~~

11

12 *History Note: Authority G.S. 105-262; 105-449.107;*
13 *Temporary Adoption Eff. January 1, 1996;*
14 *Eff. March 1, 1996;*
15 *Recodified from 17 NCAC 09K .0510 effective November 1, ~~2002,~~ 2002;*
16 *Readopted with changes Eff. August 31, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12B .0412

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(6), what is a "qualified power takeoff vehicle"? I see that there is a reference to a "power takeoff vehicle" in some of 105-449.107(b), but there are also some items in 105-449.107 that contain no references to a power take off vehicle. Is (b) of 105-449.107 intended to say what a "qualified power take off vehicle" is?

In (a)(8), wouldn't "all operations" including those outside of North Carolina? Is "and for operations outside of North Carolina" necessary?

In (a)(9), how is the refund to be computed?

In (a)(10), (11), and (12), what is meant by "applicable"

Please change (c)(1) to say "mileage records that shall include..."

~~Mileage records mileage records that records, by vehicle. The records must which shall include odometer odometer or hubmeter readings, readings;~~

How will it be determined which subparagraph of (c)(3) will be applicable? Some additional information in (c) would be helpful.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 17 NCAC 12B .0412 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12B .0412 PROPORTIONAL REFUNDS**

5 (a) Operators of vehicles identified in ~~G.S. 105-449.107~~ G.S. 105-449.107(b) ~~must~~ shall file Form ~~Gas 1200C~~ GAS-
6 1200C, Motor Fuels Claim for Refund Qualified Power Takeoff Vehicles to obtain a refund of ~~tax paid~~ North Carolina
7 tax-paid motor fuel used in the operation of these vehicles. A separate Form GAS-1200C shall be submitted for each
8 type of vehicle for which a refund is requested. Form GAS-1200C shall include the following information:

- 9 (1) the type of vehicle for which the refund is requested;
- 10 (2) a beginning inventory of North Carolina tax-paid motor fuel on hand at the first day of the year for
11 which a refund is requested;
- 12 (3) the total gallons of North Carolina tax-paid motor fuel that was:
 - 13 (A) purchased during the refund period;
 - 14 (B) used in licensed vehicles for which no refund is requested;
 - 15 (C) used to operate nonhighway equipment for which a refund is requested; and
 - 16 (D) used to operate qualified power takeoff vehicles including the number of vehicles and
17 gallons of fuel used;
- 18 (4) an ending inventory of North Carolina tax-paid motor fuel on hand at the end of the refund period;
- 19 (5) the total gallons of North Carolina tax-paid motor fuel accounted for;
- 20 (6) the total miles operated by qualified power takeoff vehicles and the total miles operated outside of
21 North Carolina during the refund period;
- 22 (7) the percentage of out-of-state qualified power takeoff vehicle operations;
- 23 (8) the total gallons of motor fuel used in qualified power takeoff vehicles for all operations and for
24 operations outside of North Carolina;
- 25 (9) a computation of refund, including total refund requested;
- 26 (10) a list of applicable nonhighway equipment for which a refund is requested, including the type and
27 number of machinery or equipment, the type of fuel used, and engine horsepower;
- 28 (11) a list of applicable tank wagon vehicles for which a refund is requested, including the make and
29 model of vehicle, the type of fuel used, and gross registered weight; and
- 30 (12) a list of applicable motor fuel storage tanks, including the tank number, fuel type, whether the fuel
31 is for highway or nonhighway use, and the gallon capacity of the tank.

32 (b) ~~The claim for refund requires an accounting of tax paid motor fuel purchased and used. Invoices Receipts or~~
33 invoices to support a claim for refund on North Carolina tax-paid ~~for tax paid~~ motor fuel must shall be submitted with
34 the ~~maintained~~ claim for refund. for a period of at least three years.

35 (c) The following records ~~must~~ shall be ~~kept~~ maintained to support a claim for refund:

- 36 (1) ~~Mileage records~~ mileage records, by vehicle. ~~The records must~~ which shall include ~~odometer~~
37 odometer or hubmeter ~~readings.~~ readings;

- 1 (2) ~~Fuel records~~ fuel records, by ~~vehicle~~; vehicle;
- 2 (3) ~~Cubic yards of concrete mix delivered, by vehicle; or tons of compacted waste hauled, by vehicle;~~
- 3 ~~or tons of bulk feed or fertilizer hauled, by vehicle; or tons of mulch or other similar materials~~
- 4 ~~hauled, by vehicle.;~~
- 5 (3) either:
- 6 (A) cubic yards of concrete mix delivered, by vehicle;
- 7 (B) tons of compacted waste hauled, by vehicle;
- 8 (C) tons of bulk feed, lime, or fertilizer hauled, by vehicle;
- 9 (D) tons of mulch or other similar materials hauled, by vehicle; or
- 10 (E) tons of septage removed or disposed of, by vehicle.
- 11 (4) ~~Withdrawal~~ withdrawal records kept in accordance with 17 NCAC 12B .0405, if withdrawals of
- 12 motor fuel from bulk storage are used to ~~service~~ fuel vehicles for which a refund is ~~requested.~~
- 13 requested; and
- 14 (5) number of gallons of motor fuel used by vehicles identified in G.S. 105-449.107(b).

15

16 *History Note:* *Authority G.S. 105-262; 105-449.107; 105-449.108;*

17 *Temporary Adoption Eff. January 1, 1996;*

18 *Eff. March 1, 1996;*

19 *Recodified from 17 NCAC 09K .0512 effective November 1, 2002;*

20 *Amended Eff. August 1, ~~2003~~ 2003;*

21 *Redopted with changes Eff. August 31, 2017.*

1 17 NCAC 12B .0413 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **17 NCAC 12B .0413 OFF-HIGHWAY AND NONPROFIT ORGANIZATION CLAIM FOR REFUNDS**

5 ~~(a) In order to obtain a refund of tax paid on motor fuel, the following claims for refund must be filed:~~

6 ~~(1) Persons using tax paid motor fuel, in other than licensed vehicles, must file Form Gas 1201; or~~

7 ~~(2) Volunteer fire departments, volunteer rescue squads, "sheltered workshop" organizations recognized~~
8 ~~by the Department of Human Resources, city transit systems, and private non-profit organizations~~
9 ~~transporting passengers under contract with or at the express designation of units of local~~
10 ~~government must file Form Gas 1200; or~~

11 ~~(3) Operators of taxicabs must file Form Gas 1200B to obtain a refund for tax paid motor fuel used in~~
12 ~~transporting fare paying passengers.~~

13 ~~(b) The claims for refund require an accounting of tax paid motor fuel purchased and used. Invoices for tax paid~~
14 ~~motor fuel must be submitted with the claim for refund.~~

15
16 (a) Nonprofit organizations identified in G.S. 105-449.106(a) shall file Form GAS-1200, Motor Fuels Claim for
17 Refund Nonprofit Organizations, to obtain a refund of North Carolina tax-paid motor fuel. A nonprofit organization
18 that submits Form GAS-1200 to request a refund shall complete all applicable lines of the form including the
19 following:

20 (1) the refund period of the claim;

21 (2) the type of nonprofit organization claiming the refund;

22 (3) a beginning inventory of North Carolina tax-paid motor fuel on hand at the first day of the refund period;

23 (4) the total gallons of North Carolina tax-paid motor fuel that was:

24 (A) purchased by the nonprofit organization during the refund period;

25 (B) used by the nonprofit organization for which the refund is requested; and

26 (C) used by the nonprofit organization for which no refund is requested;

27 (5) an ending inventory of North Carolina tax-paid motor fuel on hand at the end of the refund period; and

28 (6) the total refund requested.

29 (b) Receipts or invoices to support a claim for refund on North Carolina tax-paid motor fuel shall be maintained for
30 a period of at least three years.

31
32 *History Note: Authority G.S. 105-262; 105-449.106; 105-449.107; 105-449.108;*

33 *Temporary Adoption Eff. January 1, 1996;*

34 *Eff. March 1, 1996;*

35 *Recodified from 17 NCAC 09K .0513 Eff. November 1, 2002;*

36 *Amended Eff. August 1, 2003, 2003;*

37 *Readopted with changes Eff. August 31, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Department of Revenue

RULE CITATION: 17 NCAC 12B .0414

DEADLINE FOR RECEIPT: Wednesday, October 11, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please repeal this Rule in accordance with 26 NCAC .0108(6)(a)(iii) and simply delete the text, rather than striking through it all.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 27, 2017

1 **17 NCAC 12B .0414** is repealed without notice pursuant to G.S. 150B-1(d)(4) as follows:

2
3 **~~17 NCAC 12B .0414 — ELIGIBILITY FOR REFUNDS~~**

4 ~~To enable the Secretary or a person designated by the Secretary to prepare audits, bulk end users, retailers, and users~~
5 ~~of motor fuel must maintain the following records for a period of three years:~~

6 ~~(1) — Users:~~

7 ~~(a) — All fuel receipts, highway and non tax paid;~~

8 ~~(b) — Quarterly odometer readings, regardless of weight classification;~~

9 ~~(c) — Purchase and disposition dates of fleet vehicles with beginning and ending odometer~~
10 ~~readings;~~

11 ~~(d) — List of current vehicles by registered gross weight; and~~

12 ~~(e) — List of motor carrier decals received, indicating the decals applied to vehicles and those~~
13 ~~still on hand.~~

14 ~~(2) — Bulk End Users:~~

15 ~~(a) — All fuel receipts, highway and non tax paid;~~

16 ~~(b) — Withdrawal statements of highway and non highway fuel from bulk storage facilities;~~

17 ~~(c) — Quarterly odometer readings, regardless of weight classification;~~

18 ~~(d) — Purchase and disposition dates of fleet vehicles with beginning and ending odometer~~
19 ~~readings;~~

20 ~~(e) — List of current vehicles by registered gross weight;~~

21 ~~(f) — Quarterly beginning and ending inventory of highway and non highway fuel; and~~

22 ~~(g) — List of motor carrier decals received, indicating the decals applied to vehicles and those~~
23 ~~still on hand.~~

24 ~~(3) — Retailers:~~

25 ~~(a) — All fuel receipts and bills of lading;~~

26 ~~(b) — Quarterly totalizer meter readings;~~

27 ~~(c) — Fuel availability schedules;~~

28 ~~(d) — Intrastate mileage records; and~~

29 ~~(e) — Quarterly beginning and ending inventory of highway and non highway fuel.~~

30
31 *History Note: Authority G.S. 105-262; 105-449.121;*
32 *Temporary Adoption Eff. January 1, 1996;*
33 *Eff. March 1, 1996;*
34 *Recodified from 17 NCAC 09K .0514 Eff. November 1, 2002;*
35 *Amended Eff. August 1, 2003- 2003;*
36 *Repealed Eff. August 31, 2017.*

1 17 NCAC 12B .0502 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **17 NCAC 12B .0502 RECORD-KEEPING REQUIREMENTS OF ~~BULK END USERS, BULK END-~~**
5 **USERS, RETAILERS, AND USERS**

6 ~~To enable the Secretary or a person designated by the Secretary to prepare audits, bulk end users, retailers, and users~~
7 ~~of motor fuels must maintain the following records for a period of three years: A person who is subject to audit~~
8 pursuant to G.S. 105-449.121(b) shall maintain the following records for a period of three years, as follows:

9 (1) ~~Users:~~ Users shall maintain:

- 10 (a) ~~All all fuel receipts, receipts and invoices, including fuel purchased for highway and off-~~
11 ~~highway use, tax-paid and non-tax-paid;~~
12 (b) ~~Quarterly quarterly~~ odometer readings, regardless of weight classification;
13 (c) ~~Purchase purchase~~ and disposition dates of fleet vehicles; vehicles with beginning and
14 ending odometer readings;
15 (d) ~~List a list~~ of current vehicles by registered gross ~~weight. weight;~~ and
16 (e) ~~a list of motor carrier decals received, indicating the decals applied to vehicles and those~~
17 ~~still on hand for all qualified motor vehicles, as defined in the International Fuel Tax~~
18 ~~Agreement, whether operating interstate or intrastate.~~

19 (2) ~~Bulk End Users:~~ Bulk End-Users shall maintain:

- 20 (a) ~~All all fuel receipts, receipts, invoices, and bills of lading, including fuel purchased for~~
21 ~~highway and off-highway uses, tax paid and non-tax-paid;~~
22 (b) ~~Withdrawal statements withdrawal records of highway fuel and off-highway fuel from non-~~
23 ~~tax paid bulk storage facilities; storage;~~
24 (c) ~~Quarterly quarterly~~ odometer readings, regardless of weight classification;
25 (d) ~~Purchase purchase~~ and disposition dates of fleet vehicles; and vehicles with beginning and
26 ending odometer readings;
27 (e) ~~List a list~~ of current vehicles by registered gross ~~weight. weight;~~
28 (f) ~~monthly beginning and ending inventory of highway and off-highway fuel;~~
29 (g) ~~a list of motor carrier decals received, indicating the decals applied to vehicles and those~~
30 ~~still on hand for all qualified motor vehicles, as defined by the International Fuel Tax~~
31 ~~Agreement, whether operating interstate or intrastate; and~~
32 (h) ~~monthly totalizer meter readings.~~

33 (3) ~~Retailers:~~ Retailers shall maintain:

- 34 (a) ~~All all fuel receipts receipts, invoices, and bills of lading;~~
35 (b) ~~Meter monthly totalizer meter readings;~~
36 (c) ~~Fuel fuel~~ availability schedules; ~~and~~
37 (d) ~~Intrastate mileage records.~~

1 (d) monthly beginning and ending inventory of highway and off-highway fuel; and
2 (e) fuel sales records.

3

4 *History Note:* *Authority G.S. 105-262; 105-449.121;*
5 *Temporary Adoption Eff. January 1, 1996;*
6 *Eff. March 1, 1996;*
7 *Amended Eff. July 1, 2000;*
8 *Recodified from 17 NCAC 09K .0602 effective November 1, ~~2002~~, 2002;*
9 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12C .0301 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3
4 **SECTION .0300 - PAYMENT AND REPORTING**

5
6 **17 NCAC 12C .0301 FUEL FROM CARGO SUPPLY TANK**

7 (a) Alternative fuel providers using ~~propane gas~~ alternative fuel directly from their cargo supply tank to propel a
8 motor vehicle for highway use shall report and pay alternative fuel tax and inspection tax using the miles per gallon
9 based on the ~~truck's~~ motor vehicle's storage tank water (shell) cargo supply tank capacity, as follows:

10
11

<u>Tank Capacity</u>	<u>Miles Per Gallon</u>
12 1 thru 1,199 gallons	8 miles per gallon
13 1,200 thru 1,599 gallons	7 miles per gallon
14 1,600 thru 2,050 gallons	6 miles per gallon
15 2,051 thru 2,999 gallons	5 miles per gallon
16 3,000 gallons and above	4 miles per gallon

17

18 (b) ~~The miles per gallon schedule shall be used to determine the tax liability only when propane is used from the~~
19 ~~cargo supply tank to propel a delivery truck.~~ When a separate supply tank is connected to the engine of a motor
20 vehicle, alternative fuel tax and inspection tax ~~are~~ shall be due on the actual number of gallons gas gallon or diesel
21 gallon equivalents of fuel placed into the tank.

22
23 *History Note: Authority G.S. 105-262; 105-449.137;*
24 *Temporary Adoption Eff. January 1, 1996;*
25 *Eff. March 1, 1996;*
26 *Recodified from 17 NCAC 09L .0401 effective November 1, 2002. 2002;*
27 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12C .0302 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12C .0302 ODOMETER READINGS**

5 (a) Alternative fuel providers reporting and paying tax on ~~propane gas~~ alternative fuel vehicles on the mileage basis
6 set forth in Paragraph (a) of Rule .0301 of this Section shall keep accurate records of the number of miles driven each
7 month based on exact odometer readings. ~~Alternative fuel providers using propane from separate supply tanks shall~~
8 ~~keep odometer mileage records for each motor vehicle operated.~~

9 (b) Alternative fuel providers using alternative fuel from separate supply tanks shall keep odometer mileage records
10 for each motor vehicle operated.

11

12 *History Note: Authority G.S. 105-262; 105-449.137;*
13 *Temporary Adoption Eff. January 1, 1996;*
14 *Eff. March 1, 1996;*
15 *Recodified from 17 NCAC 09L .0402 effective November 1, ~~2002~~ 2002;*
16 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12C .0304 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12C .0304 ~~BULK-END USERS; PURCHASES OF PROPANE GAS~~ ALTERNATIVE FUELS**
5 **FOR NONHIGHWAY USE ONLY**

6 ~~Bulk end users are not required to keep inventories or report bulk purchases of non-highway propane gas unless the~~
7 ~~bulk end users have a motor vehicle propelled by propane gas.~~

8

9 Persons who purchase or store alternative fuels only for nonhighway purposes shall not be required to keep
10 inventories or report bulk purchases.

11

12 *History Note: Authority G.S. 105-262; 105-449.138;*
13 *Temporary Adoption Eff. January 1, 1996;*
14 *Eff. March 1, 1996;*
15 *Recodified from 17 NCAC 09L .0404 effective November 1, ~~2002~~, 2002;*
16 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12D .0102 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12D .0102 AMOUNT OF BOND REQUIRED**

5 The amount of bond required of a licensed kerosene distributor or a kerosene supplier ~~licensed under G.S. 119-16.2~~
6 pursuant to G.S. 119-15.3 is shall be based on the kerosene distributor's or supplier's average monthly taxable sales
7 and use of kerosene in North Carolina, as follows:

8	From	1	to	60,000 gallons per month	\$ 500
9	From	60,001	to	100,000 gallons per month	1,000
10	From	100,001	to	300,000 gallons per month	2,500
11	From	300,001	to	600,000 gallons per month	5,000
12	From	600,001	to	900,000 gallons per month	7,500
13	From	900,001	to	1,200,000 gallons per month	10,000
14	From	1,200,001	to	1,500,000 gallons per month	12,500
15	From	1,500,001	to	1,800,000 gallons per month	15,000
16	From	1,800,001	to	2,000,000 gallons per month	17,500
17	From	2,000,001	and over	gallons per month	20,000

18

19 *History Note: Authority G.S. 105-262; 119-15.1; 119-15.3;*
20 *Eff. January 1, 1983;*
21 *Recodified from 17 NCAC 09J .0202 effective November 1, 2002;*
22 *Amended Eff. August 1, ~~2003~~ 2003;*
23 *Readopted with changes Eff. August 31, 2017.*

1 17 NCAC 12D .0103 is readopted with changes pursuant to G.S. 150B-21.3A(c)(2)g without notice pursuant to G.S.
2 150B-1(d)(4) as follows:

3

4 **17 NCAC 12D .0103 ACCEPTANCE OF BONDS AND LETTERS OF CREDIT**

5 ~~The Motor Fuels Tax Division accepts a surety bond, a bond secured by collateral, or an irrevocable letter of credit~~
6 ~~from a kerosene distributor or supplier in the same circumstances under which it accepts one of these from a distributor~~
7 ~~licensed under G.S. 105, Article 36C.~~

8 (a) The bond submitted to the Department pursuant to G.S. 119-15.3 shall be filed on Form GAS-1212, Motor Fuels
9 Tax Liability Bond and shall include all information set out in 17 N.C.A.C. 12B .0106.

10 (b) The irrevocable letter of credit submitted to the Department pursuant to G.S. 119-15.3 shall be issued on the bank's
11 letterhead and shall include all information set out in 17 N.C.A.C. 12B .0107.

12

13 *History Note: Authority G.S. 105-262; ~~119-15.1~~; 119-15.3;*

14 *Eff. January 1, 1983;*

15 *Amended Eff. August 1, 1998; January 1, 1992; October 1, 1992; March 1, 1987;*

16 *Recodified from 17 NCAC 09J .0203 effective November 1, 2002;*

17 *Amended Eff. August 1, ~~2003~~; 2003;*

18 *Readopted with changes Eff. August 31, 2017.*