

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Revenue

RULE CITATION: 17 NCAC 05C .2004

**DEADLINE FOR RECEIPT: October 15, 2024**

**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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*In the cover memo, you reference S.L 2018-5. It appears that this is when G.S. 105-263(c) was added to the code. Is this the only change you are referencing or is there something else?*

*For context, and I recognize that this is likely in a different rule or statute, what is the benefit of filing an extension? I see from subparagraph (d) that there is still a late fee and accrued interest even when the extension is granted.*

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

17 NCAC 05C .2004 is amended with substantive changes without notice pursuant to G.S. 150B-1(d)(4) as follows:

**17 NCAC 05C .2004      EXTENSION OF FILING DATE**

(a) For tax years beginning before January 1, 2008, a A corporation will ~~shall~~ receive an ~~seven month~~ extension of time to file its corporate franchise and income tax return either:

(1) In accordance with G.S. 105-263(c), or

(2) if the corporation timely files Form CD-419, Application for Extension ~~for of Time To File~~ Corporate Franchise and Income Tax ~~Return~~, on or before the original due date of the return.

(b) Form CD-419 shall include the following elements:

(1) total franchise tax due;

(2) franchise tax credits taken;

(3) net franchise tax due;

(4) total corporate income tax due;

(5) estimated income tax payments;

(6) corporate income tax credits taken;

(7) net corporate income tax due;

(8) total franchise and corporate income tax due with this application;

(9) beginning and ending tax year;

(10) Federal Employer ID Number;

(11) N.C. Secretary of State ID Number;

(12) legal name;

(13) address;

(14) designation if tax exempt or non U.S./foreign entity, or cooperative or mutual association;

(15) franchise tax paid;

(16) corporate income tax paid; and

(17) total tax paid with application.

(c) Length of Extension of Time to File:

(1) For tax years beginning on or after January 1, 2008, and before January 1, 2025, the extension of time is six months ~~from the original due date of the return~~.

(2) For tax years beginning on or after January 1, 2025, the extension of time is seven months from the ~~original due date of the return~~.

(d) Payment of tax is not required to obtain an extension; however, interest accrues at the rate set under G.S. 105-241.21(a) on the amount not paid by the original due date of the corporate franchise and income tax return and the failure to pay penalty in G.S. 105-236(4) applies to the amount not paid by the original due date of the return.

*History Note:      Authority G.S. 105-262; 105-263;  
Eff. April 1, 1999;*

1                    *Amended Eff. January 1, 2025; January 1, 2009; July 1, 1999; January 1, 1994;*  
2                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
3                    *2017.*  
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