

17 NCAC 07B .4210 NATIVE AMERICAN INDIAN COUNTRY

(a) Sales by Merchants on the Eastern Band of Cherokee Indian (EBCI) Reservation:

- (1) Pursuant to G.S. 105-164.13(25), sales of items, as the term item is defined in G.S. 105-164.3, by merchants on the EBCI Reservation are exempt from sales and use tax when such merchants are authorized to do business on the EBCI Reservation and are paying the tribal gross receipts levy to the Tribal Council. This exemption applies without regard to whether a purchaser is an enrolled member of the EBCI.
- (2) Admission charges to an entertainment activity on the EBCI Reservation are exempt from sales and use tax, pursuant to G.S. 105-164.13(25), provided the retailer that offers the entertainment activity is authorized to do business on the EBCI Reservation and pays the tribal gross receipts levy to the Tribal Council. This exemption applies without regard to whether a purchaser is an enrolled member of the EBCI.
- (3) For purposes of this Rule, a sale occurs on the EBCI reservation when it is sourced to the reservation pursuant to G.S. 105-164.4B.

(b) Sales to Federally Recognized Native American Nations:

- (1) Items Sourced to a Native American Nation's Indian Country. – Pursuant to G.S. 105-164.13(17), retail sales of items to a federally recognized Native American nation or an enrolled member of the federally recognized Native American nation residing within that nation's Indian Country, as the term Indian Country is defined in 18 U.S.C. 1151, are exempt from sales and use tax when such items are sourced to the nation's Indian Country.
- (2) Items Sourced Outside a Native American Nation's Indian Country. -- Retail sales of items to a federally recognized Native American nation or to an enrolled member of the federally recognized Native American nation are subject to sales and use tax, pursuant to G.S. 105-164.4, when sourced outside the nation's Indian Country even though such items may be used, or incorporated into improvements within the nation's Indian Country.

(c) Real Property Contracts with Federally Recognized Native American Nations: The sale of items to a real property contractor are exempt from sale and use tax, pursuant to G.S. 105-164.13(17), provided that the items are sourced to a federally recognized Native American nation's Indian Country, the purchase of the item is to fulfill a real property contract with the nation or an enrolled member of the nation, and the item is used or installed within the sourced-nation's Indian Country by the contractor or the contractor's subcontractor.

*History Note: Authority G.S. 105-164.3; 105-164.4; 105-164.4B; 105-164.4H; 105-164.6; 105-164.13; 105-262; 105-264; 105-467; 105-468; 105-469; 105-483; 105-498; 105-507.2; 105-509.1; 105-510.1; 105-511.3; 105-537; 105-538;
Eff. February 1, 1976;
Amended Eff. January 1, 1982;
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