

CHAPTER 4 - GROSS RECEIPTS AND PRIVILEGE LICENSE TAXES

SUBCHAPTER 4A - DIVISIONAL RULES

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History Note: Authority G.S. 105-33 through 105-113.112; 105-228.28 through 105-228.36;
Eff. February 1, 1976;
Amended Eff. April 1, 1986; July 1, 1984; March 14, 1980; June 1, 1979;
Repealed Eff. January 1, 1994.

SUBCHAPTER 4B - LICENSE TAXES

SECTION .0100 - GENERAL ADMINISTRATION

17 NCAC 04B .0101 SEPARATE LICENSE

History Note: Authority G.S. 105-33; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0102 TRANSFER FEE

History Note: Authority G.S. 105-33; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 2000.

17 NCAC 04B .0103 SEASONAL BUSINESS

History Note: Authority G.S. 105-33; 105-262;
Eff. February 1, 1976;
Amended Eff. April 1, 1986; October 30, 1981;
Repealed Eff. July 1, 1990.

17 NCAC 04B .0104	REFUNDS
17 NCAC 04B .0105	CHURCHES OR CHARITABLE ORGANIZATIONS
17 NCAC 04B .0106	CEDED AREAS
17 NCAC 04B .0107	BLIND PERSONS

History Note: Authority G.S. 105-33; 105-249; 105-262; 105-266; 105-266.1;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; October 30, 1981;
Repealed Eff. July 1, 2000.

17 NCAC 04B .0108 INDIAN RESERVATIONS

History Note: Authority G.S. 105-33; 105-262;

Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0109 MAIL-ORDER BUSINESS

History Note: Authority G.S. 105-33; 105-262;
Eff. June 11, 1977;
Amended Eff. January 1, 1994;
Repealed Eff. December 1, 1997.

17 NCAC 04B .0110 LOCATION WITHIN MILE OF TWO CITIES

History Note: Authority G.S. 105-33; 105-262;
Eff. June 11, 1977;
Repealed Eff. July 1, 1990.

SECTION .0200 - AMUSEMENTS: TRAVELING THEATRICAL COMPANIES: OUTDOOR THEATRES

17 NCAC 04B .0201 NOT PRORATED
17 NCAC 04B .0202 REPORT OF GROSS RECEIPTS TAX

History Note: Authority G.S. 105-35; 105-104; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1979.

17 NCAC 04B .0203 PART TIME

History Note: Authority G.S. 105-36.1; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. December 1, 1997.

17 NCAC 04B .0301 NOT PRORATED

History Note: Authority G.S. 105-37.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 2000.

17 NCAC 04B .0302 COMPUTATION AND PAYMENT OF AMUSEMENT GROSS RECEIPTS TAXES
17 NCAC 04B .0303 MEMBERSHIP ADMITTANCE FEE
17 NCAC 04B .0304 FOOD AND ENTERTAINMENT

History Note: Authority G.S. 105-37.1; 105-38.1; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; January 1, 1994; June 11, 1977;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04B .0305 DANCES AND ATHLETIC CONTESTS

History Note: Authority G.S. 105-37.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0306 CIVIC ORGANIZATION AMUSEMENTS

History Note: Authority G.S. 105-37.1; 105-40; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; October 30, 1981; June 1, 1979;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04B .0307 INDIAN RESERVATION

History Note: Authority G.S. 105-37.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0308 DRAG STRIPS AND GO-CART RACES

History Note: Authority G.S. 105-37.1; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; December 1, 1997; January 1, 1994; July 1, 1990;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04B .0309 GO-CART RACES

History Note: Authority G.S. 105-37.1; 105-262;
Eff. February 1, 1976;
Amended Eff. December 1, 1997; January 1, 1994; July 1, 1990;
Repealed Eff. July 1, 2000.

17 NCAC 04B .0310 FISHING PIERS

17 NCAC 04B .0311 HORSE AND DOG SHOWS

17 NCAC 04B .0312 RATTLESNAKE MILKINGS

History Note: Authority G.S. 105-37.1; 105-40; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; January 1, 1994;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04B .0313 AGRICULTURAL FAIRS

History Note: Authority G.S. 105-37.1; 105-262;
Eff. February 1, 1976;
Transferred and Recodified from 17 NCAC 4B .0504 Eff. July 1, 1990;
Repealed Eff. January 1, 1994.

SECTION .0400 - AMUSEMENTS: CIRCUSES: MENAGERIES: WILD WEST: DOG AND PONY SHOWS: ETC.

17 NCAC 04B .0401 LOCATION AND DATE INFORMATION

17 NCAC 04B .0402 NOT PRORATED

History Note: Authority G.S. 105-38; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0403 REPORT OF GROSS RECEIPTS TAX

History Note: Authority G.S. 105-38; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 2000.

17 NCAC 04B .0404 DETERMINING NUMBER OF VEHICLES

History Note: Authority G.S. 105-38; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0405 EXPECTED CONTRIBUTION

History Note: Authority G.S. 105-38; 105-104; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. July 1, 2000.

SECTION .0500 - AMUSEMENTS: CARNIVAL COMPANIES: ETC.

17 NCAC 04B .0501 LOCATION AND DATE

History Note: Authority G.S. 105-39; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .0502 NOT PRORATED

History Note: Authority G.S. 105-39; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0503 REPORT OF GROSS RECEIPTS TAX

History Note: Authority G.S. 105-39; 105-104; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .0504 AGRICULTURAL FAIRS

History Note: Authority G.S. 105-39; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .0313 Eff. July 1, 1990.

17 NCAC 04B .0505 NO ADDITIONAL PRIVILEGE LICENSES

History Note: Authority G.S. 105-39; 105-262;
Eff. June 11, 1977;
Amended Eff. July 1, 1979;
Repealed Eff. July 1, 1990.

SECTION .0600 - ATTORNEYS AT LAW AND OTHER PROFESSIONALS

17 NCAC 04B .0601 GROSS RECEIPTS OF \$1,000 OR LESS

History Note: Authority G.S. 105-41; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .0602 APPRAISALS ONLY

History Note: Authority G.S. 105-41; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

17 NCAC 04B .0603 INDEPENDENT BOOKKEEPING
17 NCAC 04B .0604 CPA'S: NOT A REGULATORY LICENSE
17 NCAC 04B .0605 DRAFTSMAN
17 NCAC 04B .0606 GRAVE PLOTS

History Note: Authority G.S. 105-41; 105-262; S.L. 2023-134 s. 42.7(a);
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018;
Repealed Eff. July 1, 2025.

17 NCAC 04B .0607 LAND SURVEYOR
17 NCAC 04B .0608 MASSEURS OR MASSEUSES

History Note: Authority G.S. 105-41; 105-262;
Eff. February 1, 1976;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04B .0609 OPTICIAN
17 NCAC 04B .0610 PHYSICAL THERAPIST
17 NCAC 04B .0611 PRACTICING PHYSICIANS
17 NCAC 04B .0612 GOVERNMENT ATTORNEYS-AT-LAW AND OTHER PROFESSIONALS EXEMPT FROM PRIVILEGE LICENSE TAX

History Note: Authority G.S. 105-41; 105-262; S.L. 2023-134 s. 42.7(a);
Eff. February 1, 1976;
Amended Eff. March 14, 1980; June 11, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018;
Readopted Eff. January 1, 2021;
Repealed Eff. July 1, 2025.

17 NCAC 04B .0613 PHYSICIAN: CONSULTANT ON LAB EXAM

History Note: Authority G.S. 105-41; 105-262;
Eff. February 1, 1976;
Repealed Eff. March 14, 1980.

17 NCAC 04B .0614 PSYCHOLOGIST

History Note: Authority G.S. 105-41; 105-262; S.L. 2023-134 s. 42.7(a);
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018;

Repealed Eff. July 1, 2025.

17 NCAC 04B .0615 SUSPENSION OF PROFESSIONAL LICENSES

*History Note: Authority G.S. 105-41; 105-262;
Eff. February 1, 1976;
Repealed Eff. August 1, 1998.*

SECTION .0700 - PRIVATE PROTECTIVE SERVICES

**17 NCAC 04B .0701 REGULATORY LICENSE REQUIRED
17 NCAC 04B .0702 COLLECTING AGENCY**

*History Note: Authority G.S. 14-401.2; 105-42; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.*

SECTION .0800 - COAL AND COKE DEALERS

17 NCAC 04B .0801 SINGLE DELIVERIES OF 100 POUNDS OR LESS

*History Note: Authority G.S. 105-44; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1984.*

17 NCAC 04B .0802 SOLICITING WITHOUT PROFIT

*History Note: Authority G.S. 105-44; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.*

SECTION .0900 - COLLECTING AGENCIES

**17 NCAC 04B .0901 ELECTRICITY BILLS
17 NCAC 04B .0902 MAIL COLLECTION**

*History Note: Authority G.S. 105-45; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. December 1, 1997.*

SECTION .1000 - ITINERANT PHOTOGRAPHER'S: THEIR AGENTS AND EMPLOYEES

**17 NCAC 04B .1001 ENLARGEMENT OF PICTURES
17 NCAC 04B .1002 DEPARTMENT STORE PHOTOGRAPHERS
17 NCAC 04B .1003 VARYING ITINERANT SITUATIONS**

*History Note: Authority G.S. 105-41; 105-48.1; 105-262;
Eff. February 1, 1976;
Amended Eff. June 1, 1979;
Repealed Eff. October 30, 1981.*

SECTION .1100 - BICYCLE DEALERS

17 NCAC 04B .1101 APPLICABILITY OF LICENSE TO ANOTHER

History Note: Authority G.S. 105-49; 105-89.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .1102 SMALL TWO-WHEEL VEHICLE

History Note: Authority G.S. 105-49; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4501 Eff. July 1, 1990.

SECTION .1200 - AUTOMATIC MACHINES: SEWING MACHINES

17 NCAC 04B .1201 BURNERS USING PETROLEUM GAS

History Note: Authority G.S. 105-51; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1979.

17 NCAC 04B .1202 BOTTLER SELLING DRINK DISPENSERS

History Note: Authority G.S. 105-51; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4502 Eff. July 1, 1990.

17 NCAC 04B .1203 NOT SPECIFICALLY MENTIONED

History Note: Authority G.S. 105-51; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4503 Eff. July 1, 1990.

17 NCAC 04B .1204 GAS REFRIGERATORS

17 NCAC 04B .1205 HEAVY DUTY VACUUM CLEANERS

17 NCAC 04B .1206 CALCULATORS

History Note: Authority G.S. 105-51; 105-262;
Eff. June 11, 1977;
Repealed Eff. October 30, 1981.

17 NCAC 04B .1207 MAKE OF SEWING MACHINE

17 NCAC 04B .1208 LIABILITY FOR RESIDENT SEWING MACHINE DEALER

History Note: Authority G.S. 105-52; 105-262;
Eff. June 11, 1977;
Repealed Eff. July 1, 1979.

SECTION .1300 - PEDDLERS

17 NCAC 04B .1301 PRODUCTS OF THE DAIRY

History Note: Authority G.S. 105-53; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .1302 ICES

History Note: Authority G.S. 105-53; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

17 NCAC 04B .1303 FLEA MARKET

History Note: Authority G.S. 105-53; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1979; June 11, 1977;
Repealed Eff. July 1, 1988.

17 NCAC 04B .1304 NOT PRORATED NOR TRANSFERABLE

History Note: Authority G.S. 105-53; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .1305 OTHER APPLICABLE LICENSES DUE

History Note: Authority G.S. 105-33; 105-53; 105-105; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; July 1, 1990; July 1, 1988;
Repealed Eff. December 1, 1997.

17 NCAC 04B .1306 PEDDLING BY FOOT VS PEDDLING BY VEHICLE

History Note: Authority G.S. 105-53; 105-262;
Eff. June 11, 1977;
Amended Eff. January 1, 1994;
Repealed Eff. December 1, 1997.

17 NCAC 04B .1307 FISH EXEMPTION

History Note: Authority G.S. 105-53; 105-262; 113-129;
Eff. June 11, 1977;
Repealed Eff. July 1, 1990.

17 NCAC 04B .1308 LICENSE PROCUREMENT AND DISPLAY

History Note: Authority G.S. 105-53; 105-262;
Eff. July 1, 1988;
Repealed Eff. July 1, 1990.

17 NCAC 04B .1309 INFORMATION TO REVENUE DEPARTMENT

History Note: Authority G.S. 105-53; 105-262;
Eff. July 1, 1988;
Repealed Eff. July 1, 1990.

SECTION .1400 - CONTRACTORS AND CONSTRUCTION COMPANIES

17 NCAC 04B .1401 PROJECT LICENSE NOT PRORATED

17 NCAC 04B .1402 DATE DUE
17 NCAC 04B .1403 CEDED AREAS
17 NCAC 04B .1404 BUILDING ON LAND OWNED BY BUILDER
17 NCAC 04B .1405 AIR CONDITIONING
17 NCAC 04B .1406 PAINTING CONTRACTOR
17 NCAC 04B .1407 ELEVATORS AND AUTOMATIC SPRINKLERS

History Note: Authority G.S. 105-54; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; October 30, 1981;
Repealed Eff. December 1, 1997.

SECTION .1500 - MERCANTILE AGENCIES

17 NCAC 04B .1501 LIABILITY

History Note: Authority G.S. 105-57; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .1502 REPORT OF FINANCIAL STANDING

History Note: Authority G.S. 105-57; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

SECTION .1600 - DAY-CARE FACILITIES

17 NCAC 04B .1601 NUMBER LICENSED BY BOARD
17 NCAC 04B .1602 GOVERNMENTAL FACILITIES

History Note: Authority G.S. 105-60; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1990;
Repealed Eff. December 1, 1997.

SECTION .1700 - HOTELS: MOTELS: TOURIST COURTS: TOURIST HOMES: CAMPGROUNDS: TRAILER PARKS

17 NCAC 04B .1701 AMERICAN VS EUROPEAN PLAN

History Note: Authority G.S. 105-61; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. January 1, 1994.

17 NCAC 04B .1702 SEASONAL RATE

History Note: Authority G.S. 105-61; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .1703 RESTAURANT LICENSE LIABILITY
17 NCAC 04B .1704 YMCA OR YWCA

17 NCAC 04B .1705 SUMMER CAMP
17 NCAC 04B .1706 CHURCH ASSEMBLY

History Note: Authority G.S. 105-61; 105-62; 105-102.5; 105-262;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1990; October 30, 1981;
 Repealed Eff. December 1, 1997.

17 NCAC 04B .1707 PRIVATE RESIDENCES OR COTTAGES

History Note: Authority G.S. 105-61; 105-262;
 Eff. February 1, 1976;
 Amended Eff. June 11, 1977;
 Repealed Eff. October 30, 1981.

17 NCAC 04B .1708 GOVERNMENT CAMPGROUNDS

History Note: Authority G.S. 105-61.1; 105-262;
 Eff. February 1, 1976;
 Transferred and Recodified to 17 NCAC 4B .4504 Eff. July 1, 1990.

17 NCAC 04B .1709 HOTELS CHARGING ADMISSION TO ENTERTAINMENT

History Note: Authority G.S. 105-33; 105-37.1; 105-61; 105-262;
 Eff. July 1, 1984;
 Repealed Eff. December 1, 1997.

SECTION .1800 - RESTAURANTS

17 NCAC 04B .1801 SANDWICH VENDING MACHINES

History Note: Authority G.S. 105-65.1; 105-65.2; 105-262;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1979;
 Repealed Eff. October 30, 1981.

17 NCAC 04B .1802 APPLICABILITY OF LICENSE TO ANOTHER

History Note: Authority G.S. 105-62; 105-262;
 Eff. February 1, 1976;
 Repealed Eff. July 1, 1979.

17 NCAC 04B .1803 CAFETERIAS FOR EMPLOYEES
17 NCAC 04B .1804 HOSPITALS
17 NCAC 04B .1805 CLUBS: COMMERCIAL OPERATION
17 NCAC 04B .1806 CLUBS: NONCOMMERCIAL OPERATION

History Note: Authority G.S. 105-62; 105-262;
 Eff. February 1, 1976;
 Amended Eff. October 30, 1981;
 Repealed Eff. December 1, 1997.

17 NCAC 04B .1807 PREPARED FOOD
17 NCAC 04B .1808 CHAIN STORE LICENSE FOR TAKE-OUT OPERATION
17 NCAC 04B .1809 OUTSIDE SEATING

17 NCAC 04B .1810 CATERING SERVICE

History Note: Authority G.S. 105-62; 105-98; 105-262;
Eff. June 11, 1977;
Amended Eff. July 1, 1990;
Repealed Eff. December 1, 1997.

17 NCAC 04B .1811 FOOD SERVICE OPERATION OF VENDING MACHINE OPERATOR

History Note: Authority G.S. 105-62; 105-65.1; 105-262;
Eff. July 1, 1984;
Repealed Eff. January 1, 1994.

SECTION .1900 - BILLIARD AND POOL TABLES

17 NCAC 04B .1901 TABLE MEASUREMENT

History Note: Authority G.S. 105-64; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .1902 COLLEGE UNION

History Note: Authority G.S. 105-64; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1979;
Transferred and Recodified to 17 NCAC 4B .4505 Eff. July 1, 1990.

SECTION .2000 - MUSIC MACHINES

17 NCAC 04B .2001 OPERATOR'S LICENSE

History Note: Authority G.S. 105-65; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

17 NCAC 04B .2002 COIN-OPERATED RADIO OR TELEVISION

History Note: Authority G.S. 105-65; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

17 NCAC 04B .2003 SEMI-ANNUAL INFORMATIONAL REPORT

History Note: Authority G.S. 105-65; 105-250.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1984.

SECTION .2100 - MERCHANDISING DISPENSERS AND WEIGHING MACHINES

17 NCAC 04B .2101 NOT PRORATED

17 NCAC 04B .2102 DISPENSER GROSS RECEIPTS TAX REPORT

History Note: Authority G.S. 105-65.1; 105-262;

Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .2103 SEMIANNUAL INFORMATIONAL REPORT

History Note: Authority G.S. 105-65.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1984.

17 NCAC 04B .2104 APPLICATION FOR REPLACEMENT LICENSE

History Note: Authority G.S. 105-65.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1979.

17 NCAC 04B .2105 NO LOCATION LICENSE WHEN GROSS RECEIPTS DUE

History Note: Authority G.S. 105-65.1; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1979;
Repealed Eff. July 1, 1990.

17 NCAC 04B .2106 OPERATOR OF CLOSED CONTAINER WITH FIVE DISPENSERS

History Note: Authority G.S. 105-65.1; 105-262;
Eff. February 1, 1976;
Amended Eff. June 1, 1979;
Repealed Eff. October 1, 1984.

17 NCAC 04B .2107 APPLYING LICENSE TO ANOTHER

History Note: Authority G.S. 105-65.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1979.

17 NCAC 04B .2108 FEDERAL GOVERNMENT

History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4510 Eff. July 1, 1990.

17 NCAC 04B .2109 NATIONAL BANK

History Note: Authority G.S. 105-65.1; 105-262;
Eff. February 1, 1976;
Repealed Eff. June 1, 1979.

17 NCAC 04B .2110 STATE GOVERNMENT

History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4511 Eff. July 1, 1990.

17 NCAC 04B .2111 CREDIT UNIONS

History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4512 Eff. July 1, 1990.

17 NCAC 04B .2112 SCHOOL LUNCHROOM

History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4513 Eff. July 1, 1990.

17 NCAC 04B .2113 EMPTY CUP
17 NCAC 04B .2114 COFFEE AND HOT CHOCOLATE

History Note: Authority G.S. 105-65.1; 105-102.5; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1990; July 1, 1979;
Repealed Eff. December 1, 1997.

17 NCAC 04B .2115 COIN-OPERATED GAS PUMPS

History Note: Authority G.S. 105-65.1; 105-65.2; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1979;
Repealed Eff. July 1, 1990.

17 NCAC 04B .2116 PHOTOSTAT AND PHOTOGRAPH MACHINES

History Note: Authority G.S. 105-65.1; 105-102.5; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1990; July 1, 1979;
Repealed Eff. December 1, 1997.

17 NCAC 04B .2117 DUAL PURPOSE VENDING MACHINE

History Note: Authority G.S. 105-65.1; 105-102.5; 105-262;
Eff. June 11, 1977;
Amended Eff. July 1, 1990; July 1, 1979;
Repealed Eff. December 1, 1997.

SECTION .2200 - BAGATELLE TABLES, MERRY-GO-ROUNDS, ETC., AND ELECTRONIC VIDEO GAMES

17 NCAC 04B .2201 ONE LICENSE FOR OTHER GAMES

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .2202 GOVERNMENTAL ACTIVITY

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4514 Eff. July 1, 1990.

17 NCAC 04B .2203 NONPROFIT PRIVATE CLUBS

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4515 Eff. July 1, 1990.

17 NCAC 04B .2204 SHUFFLEBOARD: PINBALL AND BOWLING MACHINES

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Amended Eff. June 11, 1977;
Transferred and Recodified to 17 NCAC 4B .4516 Eff. July 1, 1990.

17 NCAC 04B .2205 SKI SLOPES: ICE SKATING AND ROLLER RINKS

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4517 Eff. July 1, 1990.

17 NCAC 04B .2206 ARCHERY RANGES

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

17 NCAC 04B .2207 SEVERAL OPERATORS AT ONE LOCATION

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4518 Eff. July 1, 1990.

17 NCAC 04B .2208 AMUSEMENT CENTER

History Note: Authority G.S. 105-66; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .2209 ELECTRONIC VIDEO GAMES

History Note: Authority G.S. 105-66.1; 105-262;
Eff. July 1, 1984;
Repealed Eff. December 1, 1997.

SECTION .2300 - PACKINGHOUSES

17 NCAC 04B .2301 INDIVIDUAL EMPLOYING ONE PERSON

History Note: Authority G.S. 105-70; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .2302 HALVING OR QUARTERING ONLY

17 NCAC 04B .2303 COLD STORAGE ROOM

History Note: Authority G.S. 105-70; 105-262;
Eff. February 1, 1976;

Repealed Eff. December 1, 1997.

SECTION .2400 - PRESSING CLUBS: DRY CLEANING PLANTS: AND HAT BLOCKERS

- 17 NCAC 04B .2401 RUGS ONLY**
17 NCAC 04B .2402 CLEANING FURNITURE IN THE HOME

*History Note: Authority G.S. 105-74; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.*

SECTION .2500 - BARBERSHOPS AND BEAUTY SHOPS

- 17 NCAC 04B .2501 STUDENTS**
17 NCAC 04B .2502 ELECTROLYSIS

*History Note: Authority G.S. 105-75; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.*

SECTION .2600 - SODA FOUNTAINS: SOFT DRINK STANDS

- 17 NCAC 04B .2601 APPLICABILITY OF LICENSE TO ANOTHER**

*History Note: Authority G.S. 105-79; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1979.*

- 17 NCAC 04B .2602 PRISON CAMPS**

*History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4506 Eff. July 1, 1990.*

- 17 NCAC 04B .2603 VETERANS CLUBS**

*History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1979;
Transferred and Recodified to 17 NCAC 4B .4507 Eff. July 1, 1990.*

- 17 NCAC 04B .2604 COMMISSARY**

*History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4508 Eff. July 1, 1990.*

- 17 NCAC 04B .2605 MUNICIPALITY**

*History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4509 Eff. July 1, 1990.*

- 17 NCAC 04B .2606 DISPENSER OPERATOR NOT LIABLE**

History Note: Authority G.S. 105-65.2; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1979;
Repealed Eff. October 30, 1981.

SECTION .2700 - DEALERS IN PISTOLS: ETC.

17 NCAC 04B .2701 PISTOL LICENSE COVERS METALLIC CARTRIDGE
17 NCAC 04B .2702 SEPARATE LICENSE FOR BLANK CARTRIDGE PISTOLS
17 NCAC 04B .2703 APPLICABILITY OF LICENSE TO ANOTHER

History Note: Authority G.S. 105-80; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

SECTION .2800 - PIANOS: ORGANS: VICTROLAS: RECORDS: RADIOS: ACCESSORIES

17 NCAC 04B .2801 FREE RECORD WITH PURCHASE OF MERCHANDISE

History Note: Authority G.S. 105-82; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Transferred and Recodified to 17 NCAC 4B .4519 Eff. July 1, 1990.

17 NCAC 04B .2802 FLASHLIGHT BATTERIES

History Note: Authority G.S. 105-82; 105-262;
Eff. February 1, 1976;
Transferred and Recodified to 17 NCAC 4B .4520 Eff. July 1, 1990.

17 NCAC 04B .2803 MUSICAL TAPES

History Note: Authority G.S. 105-82; 105-262;
Eff. June 11, 1977;
Repealed Eff. September 20, 1977.

17 NCAC 04B .2804 SHORTWAVE RADIOS

History Note: Authority G.S. 105-82; 105-262;
Eff. June 11, 1977;
Transferred and Recodified to 17 NCAC 4B .4521 Eff. July 1, 1990.

SECTION .2900 - INSTALLMENT PAPER DEALER

17 NCAC 04B .2901 LIEN IN THIS STATE

History Note: Authority G.S. 105-83; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .2902 LIABILITY FOR DIRECT LOANS

A person who makes direct loans and who also buys installment paper is subject to both G.S. 105-83 and G.S. 105-88.

History Note: Authority G.S. 105-83; 105-88; 105-262;
Eff. February 1, 1976;

Amended Eff. July 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04B .2903 INSTALLMENT PAPER DEALER QUARTERLY RETURN

(a) "Installment paper dealer" means a person required to file a return pursuant to G.S. 105-83.

(b) Installment paper dealers shall file their quarterly return using Form B-203.

(c) Form B-203 requires the following:

- (1) the reporting period for the return;
- (2) information required by 17 NCAC 01C .0322(b);
- (3) the installment paper dealer's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the installment paper dealer elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) a designation of whether the form is an amended form;
- (7) the total face value of installment paper acquired during the reporting period;
- (8) the tax due on the face value of installment paper acquired during the reporting period;
- (9) the penalty and interest due, if any, in accordance with G.S. 105-236 and G.S. 105-241.21;
- (10) the total payment due;
- (11) for the person authorized to legally bind the installment paper dealer, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the return is accurate and complete;
- (12) the location where the installment paper is held; and
- (13) the face value of installment paper acquired delineated by location.

(d) The installment dealer shall file a return even if the installment paper dealer did not acquire obligations described in G.S. 105-83(a) during the reporting period.

History Note: Authority G.S. 105-83; 105-262;

Eff. February 1, 1976;

Amended Eff. July 1, 2000; October 30, 1981; June 11, 1977;

Readopted Eff. January 1, 2021.

17 NCAC 04B .2904 TOTAL FACE VALUE

The installment paper dealer tax applies to the total face value of the paper, which value is the sum of the principal shown on the face of the paper plus any accrued interest.

History Note: Authority G.S. 105-83; 105-262;

Eff. June 11, 1977;

Amended Eff. June 1, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04B .2905 NONRESIDENT ENGAGED IN BUSINESS

G.S. 105-83 does not impose a tax on the business of dealing in, buying and/or discounting installment paper which is engaged in exclusively in a foreign state. When any of the activity incident to such business occurs in North Carolina, G.S. 105-83 applies. Such activities include the promotion and solicitation of such business by employees or agents within this State, whether or not the transfer of such paper is consummated in this State.

History Note: Authority G.S. 105-83; 105-262;

Eff. July 1, 1984;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

SECTION .3000 - LAUNDRIES

17 NCAC 04B .3001 **EDUCATIONAL INSTITUTIONS**
17 NCAC 04B .3002 **RUGS ONLY**

History Note: *Authority G.S. 105-85; 105-262;*
 Eff. February 1, 1976;
 Repealed Eff. December 1, 1997.

17 NCAC 04B .3003 **SHIRTS OR UNIFORMS**

History Note: *Authority G.S. 105-85; 105-262;*
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

17 NCAC 04B .3004 **INDUSTRIAL RAGS AND WIPERS**

History Note: *Authority G.S. 105-85; 105-262;*
 Eff. February 1, 1976;
 Repealed Eff. December 1, 1997.

17 NCAC 04B .3005 **HOME-SIZE MACHINES**

History Note: *Authority G.S. 105-85; 105-262;*
 Eff. February 1, 1976;
 Repealed Eff. July 1, 1990.

17 NCAC 04B .3006 **DIAPER SERVICES**

History Note: *Authority G.S. 105-85; 105-262;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 1994;
 Repealed Eff. December 1, 1997.

17 NCAC 04B .3007 **APARTMENT OWNER EXEMPTION**

History Note: *Authority G.S. 105-85; 105-262;*
 Eff. June 11, 1977;
 Repealed Eff. October 30, 1981.

SECTION .3100 - OUTDOOR ADVERTISING

17 NCAC 04B .3101 **ADVERTISING BY CANDIDATE FOR PUBLIC OFFICE**
17 NCAC 04B .3102 **SUPPLEMENTAL APPLICATION**

History Note: *Authority G.S. 105-86; 105-262;*
 Eff. February 1, 1976;
 Repealed Eff. December 1, 1997.

SECTION .3200 - MOTOR ADVERTISERS

17 NCAC 04B .3201 **PRODUCTS OF ICE CREAM**
17 NCAC 04B .3202 **PRODUCTS OF OTHERS**
17 NCAC 04B .3203 **NO PRODUCT INVOLVED**

History Note: Authority G.S. 105-87; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

SECTION .3300 - LOAN AGENCIES OR BROKERS

17 NCAC 04B .3301 REAL ESTATE LOANS: LOANING OWN FUNDS

A person who, as agent, engages in the business of negotiating real estate loans using funds belonging to his loan correspondents is subject to real estate license tax under G.S. 105-41. A person making real estate loans in his own name with his own funds and selling those loans to insurance companies and other loan investment companies is subject to loan agency license under G.S. 105-88 unless meeting the exemption under subsection (b) of that section. A person engaging in both activities is subject to both licenses.

History Note: Authority G.S. 105-88; 105-41; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04B .3302 REAL ESTATE LOANS: PERSONAL PROPERTY COLLATERAL

A person who negotiates real estate loans for others and also includes as part of the collateral mortgages on automobiles or other personal property is subject to loan agency license under G.S. 105-88 and real estate license under G.S. 105-41.

History Note: Authority G.S. 105-88; 105-41; 105-262;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

SECTION .3400 - AUTOMOBILE: WHOLESALE SUPPLY DEALERS: AND SERVICE STATIONS

17 NCAC 04B .3401 APPLICABILITY OF LICENSE TO ANOTHER

17 NCAC 04B .3402 PARKING FACILITIES

17 NCAC 04B .3403 AUTO DEALER LICENSE COVERS OTHER ACTIVITY

17 NCAC 04B .3404 RECAPPING TIRES ONLY

History Note: Authority G.S. 105-89; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Repealed Eff. December 1, 1997.

17 NCAC 04B .3405 CITY-WIDE LICENSE

History Note: Authority G.S. 105-89; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .3406 NO TRANSFER FEE FOR CITY-WIDE LICENSE

17 NCAC 04B .3407 FINANCE COMPANIES

17 NCAC 04B .3408 SELF-SERVICE CAR WASH

History Note: Authority G.S. 105-89; 105-102.5; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; July 1, 1990; July 1, 1979;
Repealed Eff. December 1, 1997.

17 NCAC 04B .3409 GROCERY STORE SALES OF AUTOMOTIVE PRODUCTS
17 NCAC 04B .3410 AUTOMOBILE AUCTION
17 NCAC 04B .3411 CAR BROKERS
17 NCAC 04B .3412 MOBILE SERVICE AND REPAIR

History Note: Authority G.S. 105-89; 105-262;
Eff. June 11, 1977;
Amended Eff. July 1, 1990;
Repealed Eff. December 1, 1997.

17 NCAC 04B .3413 APPLYING FULL YEAR AND HALF-YEAR LICENSE
17 NCAC 04B .3414 GARAGE SELLING TO ANOTHER GARAGE

History Note: Authority G.S. 105-89; 105-262;
Eff. April 1, 1986;
Amended Eff. July 1, 1990;
Repealed Eff. December 1, 1997.

SECTION .3500 - MOTORCYCLE DEALERS

17 NCAC 04B .3501 MOTORS INSTALLED TO FRAMES: MO-PEDS
17 NCAC 04B .3502 CHAIN STORE LICENSE

History Note: Authority G.S. 105-89.1; 105-102.5; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981; June 1, 1979;
Repealed Eff. December 1, 1997.

SECTION .3600 - EMIGRANT AND EMPLOYMENT AGENTS

17 NCAC 04B .3601 LIABILITY FOR TWO LICENSES
17 NCAC 04B .3602 AGENCIES PROVIDING TEMPORARY WORKERS

History Note: Authority G.S. 105-90; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

SECTION .3700 - PLUMBERS: HEATING CONTRACTORS: AND ELECTRICIANS

17 NCAC 04B .3701 AIR CONDITIONING TAXABLE UNDER G.S. 105-54

History Note: Authority G.S. 105-91; 105-54; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

17 NCAC 04B .3702 ONE LICENSE COVERS ALL ACTIVITIES LISTED

History Note: Authority G.S. 105-91; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

17 NCAC 04B .3703 ONE-HALF RATE

History Note: Authority G.S. 105-91; 105-262;

Eff. February 1, 1976;
Amended Eff. June 11, 1977;
Repealed Eff. October 30, 1981.

17 NCAC 04B .3704 STRUCTURES SUPPORTING ELECTRICAL FIXTURES

History Note: Authority G.S. 105-91; 105-262;
Eff. June 11, 1977;
Amended Eff. January 1, 1994;
Repealed Eff. December 1, 1997.

SECTION .3800 - TRADING STAMPS

17 NCAC 04B .3801 MERCHANT WHO GIVES AND REDEEMS STAMPS
17 NCAC 04B .3802 REDEMPTION STORE LIABILITY

History Note: Authority G.S. 105-92; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1984.

SECTION .3900 - MANUFACTURERS OF ICE CREAM

17 NCAC 04B .3901 RETAIL LICENSE

History Note: Authority G.S. 105-97; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .3902 ICE CREAM DEFINED FOR THIS SECTION

History Note: Authority G.S. 105-97; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

17 NCAC 04B .3903 MOBILE UNITS

History Note: Authority G.S. 105-97; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1990.

SECTION .4000 - BRANCH OR CHAIN STORES

17 NCAC 04B .4001 ABC STORES

History Note: Authority G.S. 105-98; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

17 NCAC 04B .4002 BAKERY THRIFT STORES

History Note: Authority G.S. 105-98; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .4003 BEACH STAND OR STORE

17 NCAC 04B .4004 COAL DEALER
17 NCAC 04B .4005 EXEMPTION: WHOLESALE SALE

History Note: Authority G.S. 105-98; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; October 30, 1981;
Repealed Eff. December 1, 1997.

17 NCAC 04B .4006 FERTILIZERS: SEED: ETC.

History Note: Authority G.S. 105-98; 105-262;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04B .4007 LEASED DEPARTMENTS
17 NCAC 04B .4008 MEAT PACKINGHOUSES
17 NCAC 04B .4009 PARTNERSHIP AND CORPORATION
17 NCAC 04B .4010 REDEMPTION STORES
17 NCAC 04B .4011 RESTAURANTS
17 NCAC 04B .4012 UNDERTAKING
17 NCAC 04B .4013 WAREHOUSE
17 NCAC 04B .4014 WHOLESALE AND RETAIL SIMILAR IN CHARACTER

History Note: Authority G.S. 105-98; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; July 1, 1984; June 11, 1977;
Repealed Eff. December 1, 1997.

SECTION .4100 - WHOLESALE DISTRIBUTORS OF MOTOR FUELS

17 NCAC 04B .4101 SUPPLEMENTAL FORM
17 NCAC 04B .4102 ACTING AS DISTRIBUTOR AND RETAILER

History Note: Authority G.S. 105-99; 105-262;
Eff. February 1, 1976;
Repealed Eff. December 1, 1997.

17 NCAC 04B .4103 MOTOR FUEL NOT FOR HIGHWAY PURPOSES

History Note: Authority G.S. 105-99; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

SECTION .4200 - JUNK DEALERS

17 NCAC 04B .4201 INDUSTRIAL PLANT
17 NCAC 04B .4202 JUNKED CARS
17 NCAC 04B .4203 AUTO DEALER

History Note: Authority G.S. 105-102; 105-262;
Eff. February 1, 1976;
Repealed Eff. July 1, 1984.

17 NCAC 04B .4301 APPLICATION FOR PRIVILEGE LICENSE
17 NCAC 04B .4302 PRIVILEGE LICENSE

History Note: Authority G.S. 105-33; 105-104; 105-262;
Eff. February 1, 1976;
Amended Eff. December 1, 1997; July 1, 1984;
Repealed Eff. July 1, 2000.

17 NCAC 04B .4401 PENALTY PROVISIONS
17 NCAC 04B .4402 RATE OF PENALTY; INTEREST

History Note: Authority G.S. 105-109; 105-109.1; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; July 1, 1990; March 14, 1980;
Repealed Eff. July 1, 2000.

SECTION .4500 - GENERAL BUSINESS

17 NCAC 04B .4501 SMALL TWO-WHEEL VEHICLE
17 NCAC 04B .4502 BOTTLER SELLING DRINK DISPENSERS
17 NCAC 04B .4503 NOT SPECIFICALLY MENTIONED
17 NCAC 04B .4504 GOVERNMENT CAMPGROUNDS
17 NCAC 04B .4505 COLLEGE UNION
17 NCAC 04B .4506 PRISON CAMPS
17 NCAC 04B .4507 VETERANS CLUBS
17 NCAC 04B .4508 COMMISSARY
17 NCAC 04B .4509 MUNICIPALITY
17 NCAC 04B .4510 FEDERAL GOVERNMENT
17 NCAC 04B .4511 STATE GOVERNMENT
17 NCAC 04B .4512 CREDIT UNIONS
17 NCAC 04B .4513 SCHOOL LUNCHROOM
17 NCAC 04B .4514 GOVERNMENTAL ACTIVITY
17 NCAC 04B .4515 NONPROFIT PRIVATE CLUBS
17 NCAC 04B .4516 SHUFFLEBOARD, PINBALL AND BOWLING MACHINES
17 NCAC 04B .4517 SKI SLOPES: ICE SKATING AND ROLLER RINKS
17 NCAC 04B .4518 SEVERAL OPERATORS AT ONE LOCATION
17 NCAC 04B .4519 FREE RECORD WITH PURCHASE OF MERCHANDISE
17 NCAC 04B .4520 FLASHLIGHT BATTERIES

History Note: Authority G.S. 105-102.5; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981; July 1, 1979; June 11, 1977;
17 NCAC 4B .4501 is Transferred and Recodified from 17 NCAC 4B .1102 Eff. July 1, 1990;
17 NCAC 4B .4502 is Transferred and Recodified from 17 NCAC 4B .1202 Eff. July 1, 1990;
17 NCAC 4B .4503 is Transferred and Recodified from 17 NCAC 4B .1203 Eff. July 1, 1990;
17 NCAC 4B .4504 is Transferred and Recodified from 17 NCAC 4B .1708 Eff. July 1, 1990;
17 NCAC 4B .4505 is Transferred and Recodified from 17 NCAC 4B .1902 Eff. July 1, 1990;
17 NCAC 4B .4506 is Transferred and Recodified from 17 NCAC 4B .2602 Eff. July 1, 1990;
17 NCAC 4B .4507 is Transferred and Recodified from 17 NCAC 4B .2603 Eff. July 1, 1990;
17 NCAC 4B .4508 is Transferred and Recodified from 17 NCAC 4B .2604 Eff. July 1, 1990;
17 NCAC 4B .4509 is Transferred and Recodified from 17 NCAC 4B .2605 Eff. July 1, 1990;
17 NCAC 4B .4510 is Transferred and Recodified from 17 NCAC 4B .2108 Eff. July 1, 1990;
17 NCAC 4B .4511 is Transferred and Recodified from 17 NCAC 4B .2110 Eff. July 1, 1990;
17 NCAC 4B .4512 is Transferred and Recodified from 17 NCAC 4B .2111 Eff. July 1, 1990.
17 NCAC 4B .4513 is Transferred and Recodified from 17 NCAC 4B .2112 Eff. July 1, 1990;
17 NCAC 4B .4514 is Transferred and Recodified from 17 NCAC 4B .2202 Eff. July 1, 1990;
17 NCAC 4B .4515 is Transferred and Recodified from 17 NCAC 4B .2203 Eff. July 1, 1990;

*17 NCAC 4B .4516 is Transferred and Recodified from 17 NCAC 4B .2204 Eff. July 1, 1990;
17 NCAC 4B .4517 is Transferred and Recodified from 17 NCAC 4B .2205 Eff. July 1, 1990;
17 NCAC 4B .4518 is Transferred and Recodified from 17 NCAC 4B .2207 Eff. July 1, 1990;
17 NCAC 4B .4519 is Transferred and Recodified from 17 NCAC 4B .2801 Eff. July 1, 1990;
17 NCAC 4B .4520 is Transferred and Recodified from 17 NCAC 4B .2802 Eff. July 1, 1990;
Amended Eff. January 1, 1994; July 1, 1990;
Repealed Eff. December 1, 1997.*

17 NCAC 04B .4521 SHORTWAVE RADIOS

*History Note: Authority G.S. 105-102.5; 105-262;
Eff. June 11, 1977;
17 NCAC 4B .4521 is Transferred and Recodified from 17 NCAC 4B .2804 Eff. July 1, 1990;
Amended Eff. July 1, 1990;
Repealed Eff. December 1, 1997.*

SUBCHAPTER 04C - TOBACCO PRODUCTS TAX

SECTION .0100 - GENERAL PROVISIONS

17 NCAC 04C .0101 DEFINITIONS

In addition to those definitions as set out in G.S. 105-113.4, the following terms and phrases as used in this Subchapter have the following meanings:

- (1) "Article 2A" means the Tobacco Products Tax Act or Tobacco Products Tax Article, Article 2A, Chapter 105 of the General Statutes of North Carolina.
- (2) "Equivalent information" means the information required by Rule .0903(c) of this Subchapter in an alternative format such as a spreadsheet, database, or other compilation.
- (3) "Excise tax" means the excise tax levied under G.S. 105-113.5, G.S. 105-113.6, G.S. 105-113.35, or G.S. 105-113.35A.
- (4) "In this State or within this State" means within the exterior limits of the State of North Carolina, and includes all territory within the limits owned by, leased by, or ceded to the United States of America.
- (5) "Nonparticipating manufacturer" means the term as defined in G.S. 66-292(3).
- (6) "Nonresident distributor" means a distributor who is licensed pursuant to G.S. 105-113.24.
- (7) "Nonresident purchaser" means a person who is not a consumer and does not have a place of business in this State.
- (8) "Other tobacco products" means a cigar or any other product that contains tobacco, other than a cigarette, and is intended for inhalation or oral use; and a vapor product.
- (9) "Resident distributor" means a distributor who has a place of business within this State.
- (10) "Roll-your-own cigarette tobacco" means the term as defined in G.S. 66-290(4).
- (11) "Tax-paid cigarettes" mean cigarettes where the excise tax imposed by G.S. 105-113.5 or G.S. 105-113.6 has been paid.
- (12) "Tax-paid tobacco products" mean tobacco products where the excise tax imposed by G.S. 105 113.5, G.S. 105 113.6, G.S. 105-113.35, or G.S. 105-113.35A has been paid.
- (13) "Vending machine" means a dispenser or dispensing machine.

*History Note: Authority G.S. 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; June 1, 1992; October 30, 1981;
Readopted Eff. January 1, 2021.*

17 NCAC 04C .0102 RATE OF EXCISE STAMP TAX
17 NCAC 04C .0103 RATE OF DISCOUNT ALLOWED

*History Note: Authority G.S. 105-113.5; 105-113.21; 105-113.37;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.*

17 NCAC 04C .0104 APPLICATION OR RENEWAL REQUIREMENTS FOR APPLICANTS AND LICENSEES UNDER ARTICLE 2A

- (a) A distributor obtaining, renewing, or updating a license pursuant to G.S. 105-113.12 shall use Form B-A-2.
- (b) A wholesale dealer or retail dealer obtaining, renewing, or updating a license pursuant to G.S. 105-113.36 shall use Form B-A-2.
- (c) Form B-A-2 requires the following:
- (1) a description of the transactions requested, including:
 - (A) a designation of whether the applicant or licensee is requesting an initial license, renewing a license, or updating information previously submitted on the form;
 - (B) the applicant's or licensee's business structure, such as a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership;
 - (C) if requesting a new license or renewal of an existing license, the type of license requested;
 - (D) the seven digit number assigned by the North Carolina Secretary of State, if applicable; and
 - (E) the total payment due;
 - (2) the applicant's or licensee's business information, including:
 - (A) information required by 17 NCAC 01C .0322(b);
 - (B) the legal name;
 - (C) the date the business began operations;
 - (D) the trade name or doing-business-as name, if applicable;
 - (E) the physical location where non-tax-paid tobacco products are manufactured, received, or stored;
 - (F) the mailing address;
 - (G) the location where records are kept;
 - (H) the e-mail address, if available; and
 - (I) if the applicant or licensee elects to designate a contact person, the identity of the contact person including his or her legal name, telephone number, fax number, and e-mail address;
 - (3) the identity of the applicant's or licensee's owners, officers, partners, or members, and for each person identified, their:
 - (A) social security number, if a natural person;
 - (B) legal name;
 - (C) job title;
 - (D) residential address;
 - (E) phone number; and
 - (F) misdemeanor or felony convictions, if any, and a statement describing the circumstances of the conviction, including the offense, date of offense, date of conviction, case number, court jurisdiction, and any active terms of probation;
 - (4) the identity of persons who previously held an ownership interest in the applicant, and for each person identified:
 - (A) their legal name;
 - (B) the name of business at the time the interest was held;
 - (C) the address of business at the time the interest was held; and
 - (D) the last date of ownership in the applicant or licensee;
 - (5) if any person identified on the form previously owned, operated, or managed another legal entity selling, receiving, or purchasing tobacco products, the applicant or licensee shall include for each person identified:
 - (A) the person's legal name;
 - (B) the person's social security number;
 - (C) the person's residential address;
 - (D) the name of the legal entity; and
 - (E) the person's job title held at the legal entity;
 - (6) a description of the applicant's or licensee's operations, including:
 - (A) a designation of whether the applicant or licensee is a resident, nonresident, affiliated manufacturer, or integrated wholesaler;

- (B) the percentage of operations that are associated with retail, distribution or wholesale, manufacturing, or other activities;
 - (C) the number of locations storing non-tax-paid tobacco products and the physical address for each location;
 - (D) the number of locations storing tax-paid tobacco products and the physical address for each location;
 - (E) the date when the applicant or licensee began or intends to begin to sell non-tax-paid tobacco products;
 - (F) a designation of whether a surety bond or letter of credit is included with the form;
 - (G) a designation of whether the applicant or licensee currently or intends to buy or sell tobacco products by Internet, telephone, catalog, or any other means that would qualify as a delivery sale;
 - (H) a designation of whether the applicant or licensee currently or intends to buy or sell roll-your own cigarette tobacco;
 - (I) a designation of whether the applicant or licensee currently or intends to import tobacco from out-of-country vendors;
 - (J) if the applicant or licensee is a nonresident distributor or wholesale dealer, designating whether the applicant or licensee is licensed in the applicant's or licensee's state of residence;
 - (K) a designation of whether the applicant or licensee currently or intends to purchase vapor products;
 - (L) a list of all states where the applicant or licensee holds a tobacco products license and the license number for each license;
 - (M) if the applicant or licensee is applying for a distributor's license:
 - (i) a list of all manufacturers that will sell to the applicant or licensee non-tax-paid cigarettes;
 - (ii) the address and phone number of all manufacturers that will sell to the applicant or licensee non-tax-paid cigarettes;
 - (iii) a letter from those manufacturers affirming the manufacturers intent to sell to the applicant or licensee non-tax-paid cigarettes; and
 - (iv) a list of all cigarette brands the applicant or licensee intends to sell;
 - (N) if the applicant or licensee is applying for wholesale dealer's or retail dealer's license:
 - (i) a list of all suppliers providing the applicant or licensee other tobacco products where the excise tax under G.S. 105-113.35 or G.S. 105-113.35A has not been paid;
 - (ii) the supplier's legal name;
 - (iii) the supplier's address;
 - (iv) the supplier's telephone number;
 - (v) for each supplier, the date the applicant or licensee first purchased other tobacco products from the supplier; and
 - (vi) the delivery method for each supplier not located in this State; and
 - (O) a list of roll-your-own cigarette tobacco brands that the applicant or licensee intends to sell, if any; and
- (7) for the person authorized to legally bind the applicant or licensee, his or her:
- (A) typed legal name;
 - (B) job title;
 - (C) signature;
 - (D) date of signature;
 - (E) telephone number;
 - (F) fax number;
 - (G) e-mail address; and
 - (H) affirmation that the form is accurate and complete.

History Note: Authority G.S. 105-113.11; 105-113.12; 105-113.36; 105-262; Eff. January 1, 2021.

SECTION .0200 - CIGARETTE DISTRIBUTOR'S LICENSE

**17 NCAC 04C .0201 APPLICATION OR RENEWAL REQUIREMENTS FOR A DISTRIBUTOR'S LICENSE;
DUTY TO UPDATE**

- (a) A distributor obtaining, renewing, or updating a license pursuant to G.S. 105-113.12 shall use Form B-A-2 as set forth in Rule .0104 of this Subchapter.
- (b) A distributor shall notify the Department of any changes to the information previously provided on Form B-A-2 by submitting a revised Form B-A-2. A distributor shall notify the Department at least 30 days before changing the physical location where non-tax-paid tobacco products are manufactured, received, or stored. A distributor shall notify the Department of all other changes previously provided on Form B-A-2 within 30 days of the change.
- (c) A distributor obtaining a new license or renewing an expired license shall remit the tax required by G.S. 105-113.12 with Form B-A-2.
- (d) A distributor obtaining a new license shall include a bond or an irrevocable letter of credit pursuant to G.S. 105-113.13 with Form B-A-2.
- (e) A distributor shall notify the manufacturers from whom cigarettes are purchased or received when the Department issues it a distributor's license or when there are changes to its distributor's license.
- (f) A distributor shall submit Form B-A-2 for each place of business as defined by G.S. 105-113.12.

History Note: Authority G.S. 105-113.11; 105-113.12; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; October 30, 1981;
Readopted Eff. January 1, 2021.

**17 NCAC 04C .0202 OUT-OF-STATE DISTRIBUTOR
17 NCAC 04C .0203 LICENSE NOT PRORATED**

History Note: Authority G.S. 105-113.13; 105-113.24; 105-113.37;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04C .0204 EXHIBIT OF LICENSE

History Note: Authority G.S. 105-113.17; 105-262;
Eff. February 1, 1976;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04C .0205 DISTRIBUTOR TO NOTIFY MANUFACTURER

It shall be the responsibility of each cigarette distributor to notify the cigarette manufacturers from whom non-tax-paid cigarettes are purchased or received of the cigarette distributor's license issued by the Secretary and of any subsequent changes to the license.

History Note: Authority G.S. 105-113.12; 105-113.13; 105-262;
Eff. October 30, 1981;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

SECTION .0300 - PURCHASE AND SALE OF DECAL STAMPS

**17 NCAC 04C .0301 DECAL STAMPS
17 NCAC 04C .0302 CREDIT SALES OF STAMPS**

History Note: Authority G.S. 105-113.19; 105-262;
Eff. February 1, 1976;
Amended Eff. April 1, 1986; July 1, 1984; October 30, 1981;
Repealed Eff. January 1, 1994.

SECTION .0400 - PURCHASE AND SALE OF METER IMPRINT STAMPS

17 NCAC 04C .0401	AUTHORIZATION
17 NCAC 04C .0402	SETTING
17 NCAC 04C .0403	CREDIT SALES
17 NCAC 04C .0404	INSPECTION

History Note: Authority G.S. 105-113.19; 105-113.23; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. January 1, 1994.

17 NCAC 04C .0405 METER MACHINE MAINTENANCE

History Note: Authority G.S. 105-113.23; 105-262;
Eff. June 11, 1977;
Repealed Eff. January 1, 1994.

SECTION .0500 - AFFIXATION OF STAMPS AND IMPRINTS

17 NCAC 04C .0501	MANNER OF AFFIXING
17 NCAC 04C .0502	UNSTAMPED CIGARETTES
17 NCAC 04C .0503	RESPONSIBILITY OF PURCHASER

History Note: Authority G.S. 105-113.9; 105-113.20; 105-113.22; 105-113.27; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981; June 11, 1977;
Repealed Eff. January 1, 1994.

17 NCAC 04C .0504 INTERSTATE CIGARETTE SALES; LICENSURE

(a) A nonresident purchaser is not required to obtain a license under G.S. 105-113.12 if it accepts delivery of non-tax-paid cigarettes in this State and all the following apply:

- (1) The nonresident purchaser receives non-tax-paid cigarettes from a licensed distributor at the licensed distributor's business location in this State.
- (2) The nonresident purchaser is purchasing cigarettes for the purpose of resale outside of North Carolina.
- (3) The licensed distributor affixes to the cigarettes taxpaid cigarette indicia of the state of the nonresident dealer where required by the state of the nonresident dealer.

(b) A distributor who sells cigarettes outside this State or delivers cigarettes to a nonresident purchaser in this State for resale outside of this State shall affix to cigarettes taxpaid cigarette indicia of the state of the nonresident purchaser where required by the state of the nonresident purchaser.

(c) A distributor shall report sales to nonresident purchasers on Form B-A-5 as required in Rule .0901 of this Subchapter.

History Note: Authority G.S. 105-113.9; 105-262;
Eff. September 20, 1977;
Amended Eff. April 1, 2008; January 1, 1994; October 30, 1981;
Readopted Eff. January 1, 2021.

17 NCAC 04C .0505 LIMITED TIME TO AFFIX TAXPAID INDICIA (STAMPS AND IMPRINTS)

History Note: Authority G.S. 105-113.20; 105-262;
Eff. October 1, 1991;
Repealed Eff. January 1, 1994.

SECTION .0600 - CIGARETTE MANUFACTURER

17 NCAC 04C .0601 SALES TO LICENSED DISTRIBUTORS

History Note: Authority G.S. 105-113.10; 105-113.37;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04C .0602 INVOICE REQUIREMENT

History Note: Authority G.S. 105-113.10; 105-262;
Eff. February 1, 1976;
Amended Eff. October 30, 1981; June 11, 1977;
Repealed Eff. January 1, 2021.

17 NCAC 04C .0603 TAX ON COMPLIMENTARY PACKS

History Note: Authority G.S. 105-113.5; 105-113.10; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Repealed Eff. July 1, 2000.

17 NCAC 04C .0604 MANUFACTURER ACTING AS DISTRIBUTOR

History Note: Authority G.S. 105-113.10; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

SECTION .0700 - RECEIPT OF UNSTAMPED CIGARETTES

17 NCAC 04C .0701 DISTRIBUTOR RESPONSIBLE FOR TAX

History Note: Authority G.S. 105-113.10; 105-113.5; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Repealed Eff. August 1, 2003.

17 NCAC 04C .0702 EXCISE TAX LIABILITY FOR CIGARETTE INVENTORY

A distributor is liable for the tax upon any non-tax-paid cigarettes that are stolen or otherwise unaccounted for.

History Note: Authority G.S. 105-113.5; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Readopted Eff. January 1, 2021.

SECTION .0800 - EXEMPTIONS

17 NCAC 04C .0801 FEDERAL GOVERNMENT

(a) Non-tax-paid cigarettes may be sold to the federal government and its instrumentalities, such as the Armed Forces Exchange Services, but sales by such services shall be limited to members of the armed forces and their dependents who hold identification cards entitling them to make purchases through armed forces exchange services.

(b) Whenever deliveries of non-tax-paid cigarettes are made by distributors to armed forces exchange services, the person making such delivery shall have in his actual possession invoices for such cigarettes which shall show date, invoice number, name and address of distributor, and the name and address of the purchaser and the quantity and brands of cigarettes being transported. If these conditions are not complied with, the non-tax-paid cigarettes shall be subject to confiscation, and the distributor taxed on such sales or deliveries made in an unauthorized manner. In the event of such deliveries of non-tax-paid

cigarettes, the cigarettes shall be physically delivered by the distributor's conveyance or a duly authorized common carrier directly to the situs where the installation of the governmental agency is located. Upon such delivery the distributor shall require a duly receipted invoice or copy thereof from the governmental agent, designated to accept delivery. Distributor shall have a bona fide bill of lading, if delivery is made by common carrier.

(c) No sales of non-tax-paid cigarettes on military installations may be made through vending machines, other than those owned and operated by the federal government or instrumentalities thereof.

(d) If a person engages in the sale of cigarettes on a military reservation, regardless of the fact that he may have a contract with the federal government, whereby the federal government will receive a commission, flat fee or some other type of compensation on such sales, same does not exempt the sale of such cigarettes from the cigarette excise tax. In such instance, such sales would not be made by the federal government or an instrumentality of the federal government. Instead, on all such sales, the cigarette tax is due.

History Note: Authority G.S. 105-113.8; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; October 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04C .0802 FREE DISTRIBUTION BY MANUFACTURER

History Note: Authority G.S. 105-113.5; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; October 30, 1981;
Repealed Eff. January 1, 2005.

SECTION .0900 - REPORTS AND RECORDS REQUIRED OF DISTRIBUTORS

17 NCAC 04C .0901 MONTHLY REPORT FOR RESIDENT DISTRIBUTORS

(a) Resident distributors filing a report pursuant to G.S. 105-113.18(1) shall file Form B-A-5 and Form B-A-7.

(b) Form B-A-5 requires the following:

- (1) the reporting period for the report;
- (2) information required by 17 NCAC 01C .0322(b);
- (3) the distributor's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the distributor elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) the distributor's state of domicile;
- (7) designation of whether the form is an amended form;
- (8) an inventory of non-tax-paid cigarettes during the reporting period, designated by packs, including:
 - (A) the beginning inventory of non-tax-paid cigarettes possessed by the distributor on the first day of the reporting period;
 - (B) the number of non-tax-paid cigarettes sold to the distributor from a manufacturer, and the following information regarding these transactions to be included on Schedule C of the form:
 - (i) the invoice date;
 - (ii) the invoice number;
 - (iii) the name and address of the person who sold the distributor cigarettes; and
 - (iv) the amount of cigarettes sold to the distributor;
 - (C) the number of non-tax-paid cigarettes sold to the federal government, and the following information regarding these transactions to be included on Schedule B of the form:
 - (i) the date cigarettes were sold;
 - (ii) the name and address of the agency or instrumentality to whom cigarettes were sold; and
 - (iii) the amount of cigarettes sold;
 - (D) the number of non-tax-paid cigarettes sold outside North Carolina, and the following information regarding these transactions to be included on Schedule I:
 - (i) the date the cigarettes were shipped;

- (ii) the shipping method (such as distributor truck, common or contract carrier, parcel post, or customer truck);
 - (iii) the name and address of the person to whom cigarettes were sold;
 - (iv) the identification of cigarette brands from a nonparticipating manufacturer; and
 - (v) the amount of cigarettes sold outside North Carolina;
 - (E) the number of non-tax-paid cigarettes returned to a manufacturer;
 - (F) other increases or decreases in non-tax paid inventory, with explanations provided with the form; and
 - (G) the ending physical inventory of non-tax-paid cigarettes possessed by the distributor on the last day of the reporting period;
 - (9) an inventory of tax-paid cigarettes during the reporting period, designated by packs, and the following information to be included on Schedule D:
 - (A) the beginning inventory of tax-paid cigarettes possessed by the distributor on the first day of the reporting period;
 - (B) tax-paid cigarettes purchased or received from other sources, and the following information regarding these transactions to be included on Schedule E:
 - (i) the invoice date;
 - (ii) the invoice number;
 - (iii) the name and address of the person who sold the distributor cigarettes;
 - (iv) the amount of cigarettes sold; and
 - (v) copies of all invoices containing the information listed in Rule .0903(c) of this Subchapter;
 - (C) non-tax-paid purchases that are paid with the submission of the form;
 - (D) other increases or decreases in tax paid inventory, with explanations provided with the form;
 - (E) the number of tax-paid cigarettes sold in North Carolina;
 - (F) the number of tax-paid cigarettes returned to the manufacturer; and
 - (G) the ending physical inventory of tax-paid cigarettes possessed by the distributor on the last day of the reporting period;
 - (10) the excise tax due on non-tax-paid cigarettes;
 - (11) the discount under G.S. 105-113.21(a1), if applicable;
 - (12) penalty and interest due on non-tax paid cigarettes, if any, in accordance with G.S. 105-236 and G.S. 105-241.21;
 - (13) total payment due; and
 - (14) for the person authorized to legally bind the distributor, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete.
- (c) The distributor shall include a separate Schedule I for each state to which the distributor shipped cigarettes during the reporting period.
- (d) When cigarettes are returned to a manufacturer, the distributor shall include the following information on Schedule J:
- (1) the date the cigarettes were shipped;
 - (2) the shipping method (such as distributor truck, common or contract carrier, parcel post, or customer truck);
 - (3) the name and address of the manufacturer;
 - (4) the identification of cigarette brands from nonparticipating manufacturers;
 - (5) designating whether the cigarettes returned were non-tax paid cigarettes or tax-paid cigarettes; and
 - (6) the total non-tax paid cigarettes and total tax-paid cigarettes returned to the manufacturer.
- (e) Form B-A-5 shall be filed each month even if no cigarettes were sold, shipped, delivered, or otherwise disposed of during the reporting period.
- (f) The Department may disallow any deduction for the distributor's failure to include information on a designated schedule.
- (g) Form B-A-7 requires the following:
- (1) the reporting period for the report;
 - (2) information required by 17 NCAC 01C .0322(b);
 - (3) the legal name and mailing address of the person filing the form;
 - (4) the trade name or doing-business-as name, if applicable;

- (5) if the person filing the form elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
 - (6) designation of whether the form is an amended form;
 - (7) for all tax-paid products from nonparticipating manufacturers, the person filing the form shall include:
 - (A) the brand name;
 - (B) the number of tax-paid cigarettes, designated by packs;
 - (C) the number of ounces of roll-your-own cigarette tobacco;
 - (D) the name and address of the nonparticipating manufacturer;
 - (E) the name and address of the person from whom the brand was purchased; and
 - (F) the name and address of the first importer of foreign manufactured brands; and
 - (8) for the person authorized to legally bind the person required to file the form, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete.
- (h) Form B-A-7 shall be filed each month even if no tobacco products from nonparticipating manufacturers were sold, shipped, delivered, or otherwise disposed of in this State for the reporting period.
- (i) Form B-A-7 shall be filed in duplicate.

History Note: Authority G.S. 105-113.4G; 105-113.18; 105-262; Eff. February 1, 1976; Amended Eff. January 1, 1994; Readopted Eff. January 1, 2021.

17 NCAC 04C .0902 MONTHLY REPORT FOR NONRESIDENT DISTRIBUTORS

- (a) Nonresident distributors filing a report pursuant to G.S. 105-113.18 shall file Form B-A-6 and Form B-A-7. The requirements of Form B-A-7 are provided in 17 NCAC 04C .0901(g) through (i).
- (b) Form B-A-6 requires the following:
- (1) the reporting period for the report;
 - (2) information required by 17 NCAC 01C .0322(b);
 - (3) the distributor's legal name and mailing address;
 - (4) the trade name or doing-business-as name, if applicable;
 - (5) if the resident distributor elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
 - (6) the distributor's state of domicile;
 - (7) designation of whether the form is an amended form;
 - (8) the number of cigarettes sold, designated by packs, in North Carolina where excise tax is due;
 - (9) the excise tax due on non-tax-paid cigarettes;
 - (10) the discount under G.S. 105-113.21(a1), if applicable;
 - (11) penalty and interest due on non-tax paid cigarettes, if any, in accordance with G.S. 105-236 and G.S. 105-241.21;
 - (12) total payment due;
 - (13) for the person authorized to legally bind the distributor, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete; and
 - (14) an inventory of tax-paid cigarettes during the reporting period, designated by packs, including the following information on Schedule B of the Form:
 - (A) the beginning inventory of tax-paid cigarettes possessed by the distributor on the first day of the reporting period;
 - (B) the number of tax-paid cigarettes purchased or received from other sources, including the following information regarding these transactions to be included on Schedule C of the form:
 - (i) the invoice date;
 - (ii) the invoice number;

- (iii) name and address from where the cigarettes were purchased or received;
- (iv) the amount of cigarettes purchased or received; and
- (v) copies of all invoices containing the information listed in Rule .0903(c) of this Subchapter;
- (C) the number of tax-paid cigarettes sold in this State;
- (D) the number of cigarettes returned to a manufacturer, including information regarding these transactions to be included on Schedule J as required by Rule .0901(d) of this Section;
- (E) other increases or decreases in inventory, with explanations provided with the form;
- (F) the ending inventory of tax-paid cigarettes possessed by the distributor on the last day of the reporting period; and
- (G) the number of non-tax-paid cigarettes, designated by packs, sold to the federal government, including the following information regarding these transactions to be included on Schedule D of the form:
 - (i) the date the cigarettes were sold;
 - (ii) the name and address of the agency or instrumentality to whom cigarettes were sold; and
 - (iii) the amount of cigarettes sold.

(c) Form B-A-6 shall be filed each month even if no cigarettes were sold, shipped, delivered, or otherwise disposed of in North Carolina for the reporting period.

History Note: Authority G.S. 105-113.18; 105-262;
 Eff. February 1, 1976;
 Readopted Eff. January 1, 2021.

17 NCAC 04C .0903 INVOICING REQUIREMENTS FOR DISTRIBUTORS

(a) Except for sales to consumers, where other record keeping requirements apply, a distributor shall maintain an invoice for every cigarette it sells, ships, or delivers in this State or outside of this State. A distributor shall also maintain an invoice when it transfers cigarettes to other places of business maintained by the distributor.

(b) A distributor shall forward to the Department copies of invoices of cigarette sales or transfers required by Paragraph (a) of this Rule, or equivalent information, monthly.

(c) Invoices shall include the following information:

- (1) the invoice date;
- (2) the invoice number;
- (3) the date of purchase, if applicable;
- (4) the name and address of the purchaser and seller, if applicable;
- (5) the name and address of the person from whom tobacco products were shipped;
- (6) the name and address of the person to whom tobacco products were shipped;
- (7) the mode of transportation;
- (8) the brand and the quantity of tobacco products;
- (9) the price charged for the tobacco products, if applicable; and
- (10) when the excise tax has been paid, the following phrase shall appear on the invoice: "North Carolina Tobacco Products Tax Paid."

(d) Invoices addressed in Paragraph (a) of this Rule shall be maintained for three years by all persons party to cigarette sales who are required to be licensed under Article 2A. All persons party to the sale must be issued identical invoices, and the invoices shall not be altered after issuance. If the invoice requires modification, a separate document must accompany the invoice describing the change to the invoice. This document must include the date it was prepared and must be delivered to and maintained by any other party to the sale.

(e) Notwithstanding Paragraph (a) of this Rule, a distributor shall comply with the invoice requirements for delivery sales in accordance with G.S. 105-113.4F.

History Note: Authority G.S. 105-113.4G; 105 113.10; 105-262;
 Eff. February 1, 1976;
 Amended Eff. January 1, 1994;
 Readopted Eff. January 1, 2021.

17 NCAC 04C .0904 RECORD REQUIREMENTS FOR DISTRIBUTORS

Distributors maintaining records pursuant to G.S. 105-113.4G shall segregate records of cigarette sales that are exempt from the excise tax.

History Note: Authority G.S. 105-113.4G; 105-262;
Eff. January 1, 2021.

SECTION .1000 - REFUND

17 NCAC 04C .1001 RETURN UNUSED STAMPS: NO TRANSFER

History Note: Authority G.S. 105-113.20; 105-113.25; 105-113.37;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04C .1002 REFUNDS ONLY TO LICENSED DISTRIBUTORS

(a) A distributor filing a refund claim pursuant to G.S. 105-113.21(b) shall file Form B-A-18.

(b) Form B-A-18 requires the following:

- (1) the reporting period for the refund claim;
- (2) information required by 17 NCAC 01C .0322(b);
- (3) the distributor's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the distributor elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) the distributor's state of domicile;
- (7) designation of whether the form is an amended form;
- (8) the number of tax-paid cigarettes, designated by packs, returned to the manufacturer;
- (9) any discount previously allowed under G.S. 105-113.21(a1);
- (10) the refund due;
- (11) for the person authorized to legally bind the person required to file the form, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete; and
- (12) an affidavit from the manufacturer stating the number of cigarettes returned to the manufacturer by the distributor requesting the refund.

(c) Only the licensed distributor who originally paid excise tax pursuant to G.S. 105-113.5 is eligible for the refund.

History Note: Authority G.S. 105-113.21; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Readopted Eff. January 1, 2021.

17 NCAC 04C .1003 MUTILATED BUT IDENTIFIABLE STAMPS

17 NCAC 04C .1004 OUT-OF-STATE SHIPMENTS: NO REFUND

History Note: Authority G.S. 105-113.25; 105-262;
Eff. February 1, 1976;
Amended Eff. June 11, 1977;
Repealed Eff. January 1, 1994.

SECTION 1100 – RAILROADS AND OCEAN-GOING VESSELS

17 NCAC 04C .1101 DEALERS ON TRAINS

History Note: Authority G.S. 105-113.6; 105-262;

Eff. February 1, 1976;
Amended Eff. July 1, 2000; January 1, 1994;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04C .1102 OCEAN-GOING VESSELS

Non-tax-paid cigarettes may be sold for use or consumption by or on ocean-going vessels which leave the continental United States and which ply the high seas in interstate or foreign commerce in the transport of freight or passengers for hire exclusively when delivered to an officer or agent of such vessel for use by or on such vessel accordingly. Receipt for delivery of such non-tax-paid cigarettes shall be signed for by an authorized officer or agent of such vessel, and such signed receipts shall be retained by the distributor for a period of three years; also, a copy of same shall be appended to the appropriate monthly tax report of the distributor. Only North Carolina tax-paid cigarettes may be sold by such vessels while in port or within the territorial limits of this state.

History Note: Authority G.S. 105-113.6; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

SECTION .1200 - CIGARETTE VENDING MACHINES

17 NCAC 04C .1201 IDENTIFICATION REQUIREMENT FOR EACH MACHINE

(a) Distributors, wholesalers or retail dealers owning, leasing, furnishing or operating cigarette vending machines shall affix to each such machine in a conspicuous place an identification sticker or device, which shall show the name, address and telephone number of the operator owning and placing such machine on location. The owner of the business wherein such machine is located shall also be responsible for seeing that such vending machine is so identified.

(b) No cigarette dispensing machine shall be allowed to operate in this state that does not have affixed thereto the identification required under G.S. 105-113.17.

History Note: Authority G.S. 105-113.17; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04C .1202 VENDING MACHINE OPERATORS

History Note: Authority G.S. 105-65.1; 105-113.18; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1984;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04C .1203 DISTRIBUTORS WITH VENDING MACHINES

History Note: Authority G.S. 105-113.18; 105-250.1; 105-113.37;
Eff. February 1, 1976;
Repealed Eff. July 1, 1984.

17 NCAC 04C .1204 DISPLAY STAMPED CIGARETTES IN MACHINES

History Note: Authority G.S. 105-113.22; 105-113.28; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

SECTION .1300 - OTHER TOBACCO PRODUCTS LICENSES

17 NCAC 04C .1301 APPLICATION OR RENEWAL REQUIREMENTS FOR WHOLESALE DEALER'S OR RETAIL DEALER'S LICENSE; DUTY TO UPDATE

- (a) A wholesale dealer or retail dealer obtaining, renewing, or updating a license pursuant to G.S. 105-113.36 shall use Form B-A-2 as set forth in Rule .0104 of this Subchapter.
- (b) A wholesale dealer or retail dealer shall notify the Department of any changes to the information previously provided on the Form B-A-2 by submitting a revised Form B-A-2. A wholesale dealer or retail dealer shall notify the Department at least 30 days before changing the physical location where non-tax-paid tobacco products are manufactured, received, or stored. A wholesale dealer or retail dealer shall notify the Department of all other changes previously provided on Form B-A-2 within 30 days of the change.
- (c) A wholesale dealer or retail dealer obtaining a new license or renewing an expired license shall remit the tax required by G.S. 105-113.36 with Form B-A-2.
- (d) A wholesale dealer or retail dealer obtaining a new license shall include a bond or an irrevocable letter of credit pursuant to G.S. 105-113.38.
- (e) A wholesale dealer or retail dealer shall notify the manufacturers from whom other tobacco products are purchased or received when the Department issues it a wholesale dealer's license or retail dealer's license or when there are changes to its license.
- (f) A wholesale dealer or retail dealer shall submit Form B-A-2 for each place of business as defined by G.S. 105-113.36.
- (g) A wholesale dealer who is also a retail dealer is only subject to the license tax under G.S. 105-113.36(a)(1) and is not required to remit the license tax for its retail dealer activity.

History Note: Authority 105-113.36; 105-262;
Eff. June 1, 1992;
Amended Eff. January 1, 1994;
Readopted Eff. January 1, 2021.

SECTION .1400 - MANUFACTURERS OF OTHER TOBACCO PRODUCTS

- 17 NCAC 04C .1401 INVOICE REQUIREMENT
17 NCAC 04C .1402 SALES TO LICENSED DEALERS ONLY
17 NCAC 04C .1403 MANUFACTURERS ACTING AS RETAILER

History Note: Authority G.S. 105-113.35; 105-113.37; 105 262;
Eff. June 1, 1992;
Amended Eff. January 1, 1994;
Repealed Eff. January 1, 2021.

SECTION .1500 - LIABILITY FOR OTHER TOBACCO PRODUCTS EXCISE TAX

17 NCAC 04C .1501 PRIMARY LIABILITY

History Note: Authority G.S. 105-113.35; 105-262;
Eff. June 1, 1992;
Amended Eff. January 1, 1994;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

SECTION .1600 - MILITARY EXEMPT SALES

17 NCAC 04C .1601 EXEMPT SALES LIMITED TO ARMED FORCES AND THEIR DEPENDENTS

Other tobacco products sold to the Federal Government and its instrumentalities, such as the Armed Forces Exchange Services, are exempt from the excise tax. However, sales of other tobacco products by such services MUST BE LIMITED to

members of the armed forces and their dependents who hold identification cards entitling them to make purchases through armed forces exchange services.

History Note: Authority G.S. 105-113.35; 105-262;
Eff. June 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04C .1602 DELIVERIES TO ARMED FORCES EXCHANGE SERVICES

Whenever tax exempt deliveries of other tobacco products are made by dealers to armed forces exchange services, the dealer must require a duly receipted invoice or copy thereof from the governmental agent designated to accept delivery.

History Note: Authority G.S. 105-113.35; 105-262;
Eff. June 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

17 NCAC 04C .1603 SALES OF OTHER TOBACCO PRODUCTS: BY OTHERS: NOT EXEMPT

If a person engages in the sale of any other tobacco products on a military reservation, regardless of the fact that he may have a contract with the Federal Government, whereby the Federal Government will receive a commission, flat fee or some other type of compensation on such sales, same does not exempt the sale of such products from the excise tax. In such instances, such sales would not be made by the Federal Government or an instrumentality thereof. Instead, all such sales are subject to the excise tax.

History Note: Authority G.S. 105-113.35; 105-262;
Eff. June 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.

SECTION .1700 - DESIGNATION OF EXEMPT SALES

17 NCAC 04C .1701	MUST SELL AS DESIGNATED
17 NCAC 04C .1702	NO DELAYED OR DEFERRED TAX PAYMENT ALLOWED
17 NCAC 04C .1703	PRIOR WRITTEN NOTIFICATION REQUIRED FROM NC CUSTOMERS
17 NCAC 04C .1704	INVOICING REQUIREMENTS
17 NCAC 04C .1705	REPORTING REQUIREMENTS
17 NCAC 04C .1706	ORIGINAL SELLER NOT LIABLE FOR TAX
17 NCAC 04C .1707	PENALTIES FOR IMPROPER HANDLING OF DESIGNATED PRODUCT

History Note: Authority G.S. 105-113.37; 105-262;
Eff. June 1, 1992;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018;
Expired Eff. November 1, 2025 pursuant to G.S. 150B-21.3A.

SECTION .1800 – REPORTS AND RECORDS REQUIRED OF WHOLESALE DEALERS AND RETAIL DEALERS

17 NCAC 04C .1801 MONTHLY REPORT FOR WHOLESALE DEALERS AND RETAIL DEALERS

(a) Wholesale dealers and retail dealers filing a report pursuant to G.S. 105-113.37 for other tobacco products, except vapor products, shall file Form B-A-101 and Form B-A-7. The requirements of B-A-7 are provided in 17 NCAC 04C .0901(g) through (i).

(b) Form B-A-101 requires the following:

- (1) the reporting period for the report;

- (2) information required by 17 NCAC 01C .0322(b);
- (3) the wholesale dealer or retail dealer's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the wholesale dealer or retail dealer elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) the wholesale dealer's or retail dealer's state of domicile;
- (7) designation of whether the form is an amended form;
- (8) the cost price of other tobacco products, except vapor products, subject to the excise tax under G.S. 105-113.35(a), sold or purchased during the reporting period, with a copy of an invoice or equivalent information for each sale or purchase;
- (9) the cost price of other tobacco products, except vapor products, sold or purchased during the reporting period that were sold outside the State, with a copy of an invoice or equivalent information for each sale or purchase;
- (10) the cost price of other tobacco products, except vapor products, sold or purchased during the reporting period that were sold to the federal government, with a copy of an invoice or equivalent information for each sale or purchase;
- (11) the cost price of other tobacco products, except vapor products, sold or purchased during the reporting period that were exempt or subject to an excise tax reduction under G.S. 105-113.4E;
- (12) any discount allowed under G.S. 105-113.39;
- (13) the total excise tax due;
- (14) penalty and interest due on tobacco products, if any, in accordance with G.S. 105-236 and G.S. 105-241.21;
- (15) total payment due; and
- (16) for the person authorized to legally bind the person required to file the form, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and
 - (D) affirmation that the form is accurate and complete.

(c) Wholesale dealers and retail dealers filing a report pursuant to G.S. 105-113.37 for vapor products shall file Form B-A-102.

(d) Form B-A-102 requires the following:

- (1) the reporting period for the report;
- (2) information required by 17 NCAC 01C .0322(b);
- (3) the wholesale dealer or retail dealer's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the wholesale dealer and retail dealer elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) the wholesale dealer's or retail dealer's state of domicile;
- (7) designation of whether the form is an amended form;
- (8) the number of milliliters of vapor products sold or purchased during the reporting period, with a copy of an invoice or equivalent information for each sale or purchase;
- (9) the number of milliliters of vapor products sold or purchased during the reporting period that were sold outside the State, with a copy of an invoice or equivalent information for each sale or purchase;
- (10) the number of milliliters of vapor products sold or purchased during the reporting period that were sold to the federal government with a copy of an invoice or equivalent information for each sale or purchase;
- (11) the number of milliliters of vapor products sold or purchased during the reporting period that were exempt or subject to an excise tax reduction under G.S. 105-113.4E;
- (12) the total vapor products tax due;
- (13) penalty and interest due on tobacco products, if any, in accordance with G.S. 105-236 and G.S. 105-241.21;
- (14) the total payment due; and
- (15) for the person authorized to legally bind the person required to file the form, his or her:
 - (A) signature;
 - (B) job title;
 - (C) date of signature; and

(D) affirmation that the form is accurate and complete.

(e) Invoices or equivalent information provided in accordance with Paragraphs (b) and (d) of this Rule shall contain the information required in Rule .0903(c) of this Subchapter.

(f) Wholesale dealers and retail dealers required to file Form B-A-101 shall file the form even if no other tobacco products, except vapor products, were sold, shipped, delivered, or otherwise disposed of during the reporting period. Wholesale dealers and retail dealers required to file Form B-A-102 shall file the form even if no vapor products were sold, shipped, delivered, or otherwise disposed of during the reporting period.

History Note: Authority G.S. 105-113.37; 105-262;
Eff. June 1, 1992;
Amended Eff. July 1, 2000;
Readopted Eff. January 1, 2021.

17 NCAC 04C .1802 INVOICING REQUIREMENTS FOR WHOLESALE DEALERS AND RETAIL DEALERS

(a) Except for sales to consumers, where other record keeping requirements apply, a wholesale dealer or retail dealer shall maintain an invoice for every other tobacco product that it sells, ships, or delivers in this State or outside this State. A wholesale dealer or retail dealer shall also maintain an invoice when it transfers other tobacco products to other places of business operated or caused to be operated by the wholesale dealer or retail dealer.

(b) A wholesale dealer or retail dealer shall forward to the Department copies of invoices of other tobacco product sales or transfers required by Paragraph (a) of this Rule, or equivalent information, monthly.

(c) Invoices shall contain the information required in Rule .0903(c) of this Subchapter.

(d) Invoices addressed in Paragraph (a) of this Rule shall be maintained for three years by all persons party to the sale of other tobacco products who are required to be licensed under Article 2A. All parties to the sale must be issued identical invoices, and the invoices shall not be altered after issuance. If the invoice requires modification, a separate document must accompany the invoice describing the change to the invoice. This document must include the date it was prepared and must be delivered to and maintained by any other party to the sale.

(e) Notwithstanding Paragraph (a) of this Rule, a wholesale dealer or retail dealer shall comply with the invoice requirements for delivery sales in accordance with G.S. 105-113.4F.

History Note: Authority G.S. 105-113.37; 105-262;
Eff. June 1, 1992;
Readopted Eff. January 1, 2021.

17 NCAC 04C .1803 RECORDS REQUIREMENTS FOR WHOLESALE DEALERS AND RETAIL DEALERS

Wholesale dealers and retail dealers maintaining records pursuant to G.S. 105-113.4G shall segregate records of other tobacco product sales that are exempt from the excise tax.

History Note: Authority G.S. 105-113.4G; 105-262;
Eff. June 1, 1992;
Readopted Eff. January 1, 2021.

SECTION .1900 - OTHER TOBACCO PRODUCTS VENDING MACHINES

17 NCAC 04C .1901 IDENTIFICATION AND LOCATION REQUIRED

History Note: Authority G.S. 105-65.1; 105-113.17; 105-262;
Eff. June 1, 1992;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

SECTION .2000 – MANUFACTURER CERTIFICATION AND DIRECTORY OF VAPOR AND CONSUMABLE PRODUCTS

17 NCAC 04C .2001 DEFINITIONS

- (a) Certifying Manufacturer – Any manufacturer of vapor products or consumable products, as those terms are defined in G.S. 14-313(a), that submits an initial certification or annual certification renewal to the Secretary as required in G.S. 143B-245.11.
- (b) Directory – A public listing on the Department's website, www.ncdor.gov, of certifying manufacturers whose initial certification or annual certification renewal have been submitted and approved by the Secretary.
- (c) Initial Certification Fee – The initial certification fee of two thousand dollars (\$2,000) as set by G.S. 143B-245.11(b)(2). The initial certification fee is per certifying manufacturer and is not based on the number of vapor products or consumable products submitted by the certifying manufacturer to the Department.
- (d) Product Offered for Sale – Each unique vapor product name, consumable product name, or brand name along with the product code or stock-keeping unit (SKU) constitutes a separate product offered for sale in this State.
- (e) Annual Renewal Fee – The annual certification renewal fee five hundred dollars (\$500.00) as set by G.S. 143B-245.11(b)(2). The annual renewal fee is per certifying manufacturer and is not based on the number of vapor products or consumable products submitted by the certifying manufacturer to the Department.
- (f) Vapor Product – As defined in G.S. 14-313(a)(5), shall apply to the manufacturer certification of vapor products and consumable products and the directory of vapor products and consumable products. The definition of vapor product found in G.S. 105-113.4(13a) shall not apply to the administration of the manufacturer certification and directory.

History Note: Authority G.S. 143B-245.16;
Eff. March 1, 2025.

17 NCAC 04C .2002 DIRECTORY

- (a) Pursuant to G.S. 143B-245.12, beginning May 1, 2025, and on the first of each month thereafter, the Department shall post to its website, www.ncdor.gov, a directory of certifying manufacturers. The directory shall include the certifying manufacturer's name, along with a listing of the certified and approved products, to include vapor product names, consumable product names, brand names, type or category of products, and flavor of products.
- (b) Only those products appearing on the directory shall be products offered for sale in this State. All other products not appearing on the directory are prohibited from retail sale in this State.
- (c) The Department, within each monthly publication of the directory, shall separately list additions or removals of certifying manufacturers or their vapor products or consumable products for that month.

History Note: Authority G.S. 143B-245.12; 143B-245.16;
Eff. March 1, 2025.

17 NCAC 04C .2003 CERTIFICATION

- (a) Initial Certification Application - Beginning March 1, 2025, each certifying manufacturer shall electronically submit to the Department an initial certification application. The certifying manufacturer shall also electronically submit to the Department the initial certification fee at the time a certifying manufacturer submits the initial certification application.
 - (1) Manufacturers of vapor products or consumable products, offered for sale in this State prior to March 1, 2025, shall submit the initial certification application and initial certification fee by April 15, 2025.
 - (2) Manufacturers of vapor products or consumable products, who intend to offer products for sale in this State after March 1, 2025, shall submit the initial certification application and initial certification fee prior to shipping any vapor products or consumable products to a retailer, distributor, or wholesaler in this State for the purpose of making retail sales.
- (b) The initial certification application and initial certification fee shall be completed through the Department's website at the following link: <https://www.ncdor.gov/taxes-forms/tobacco-products-tax>.
- (c) The initial certification application shall include the following information:
 - (1) the manufacturer's legal business name or assumed name for sole proprietors, business mailing address, daytime telephone number, fax number, and email address;
 - (2) federal employer identification number (FEIN) or social security number for proprietorships;
 - (3) a contact person, including that person's legal name, telephone number, fax number, and e-mail address.
 - (4) a designation of whether the manufacturer is requesting an initial certification or updating information to a previously submitted application;
 - (5) the seven-digit Secretary of State identification number assigned by the North Carolina Secretary of State when the manufacturer registered its business entity to do business in the State.

- (6) the name, address, telephone number, fax number, and email address of a registered agent as required in Rule .2006 of this Section;
 - (7) a manufacturer located outside of the United States shall list the importers of any of the manufacturer's products to be sold in this State, as well as the name, address, telephone number, fax number, and email address of the importers registered agent.
 - (8) a list of each vapor product or consumable product that is sold in this State to include the brand name, category (e.g., e-liquid, power unit, device, e-liquid cartridge, e-liquid pod, disposable), product name, product code or stock-keeping unit (SKU), and flavor; and
 - (9) the Food and Drug Administration (FDA) tracking number and order date for each vapor product and consumable product offered by the manufacturer, and shall upload a copy of:
 - (A) the marketing granted order issued by the FDA pursuant to 21 U.S.C. 387j;
 - (B) the acceptance letter issued by the FDA pursuant to 21 U.S.C. 387j for a Timely Filed Premarket Tobacco Product Application; or
 - (C) a document issued by the FDA or by a court confirming that the premarket tobacco product application has received a denial order that is not yet in effect and remains stayed or rescinded by FDA or vacated by a court; and
 - (10) the total certification fee due and remitted.
- (d) Failure to submit the required information for the initial certification application or the initial certification fee will result in a denial of the application and exclusion from the vapor product and consumable product directory, pursuant to G.S. 143B-245.12(b). If an initial certification application is denied pursuant to a provision of G.S. 143B-245.12(b), the certifying manufacturer shall electronically resubmit to the Department a new initial certification application and initial certification fee.
- (e) Failure to submit the initial certification application or initial certification fee to the Department 15- days prior to the first of each month, when the Department makes the vapor product and consumable product directory available for public inspection on the Department's website, will result in a manufacturer's products offered for sale to be prohibited from retail sale in this State, pursuant to G.S. 143B-245.13 until the manufacturer becomes certified.

History Note: Authority G.S. 143B-245.11; 143B-245.12; 143B-245.13; 143B-245.16; Eff. March 1, 2025.

17 NCAC 04C .2004 ANNUAL CERTIFICATION RENEWAL

- (a) Beginning January 1, and not later than March 1, of each subsequent year, certifying manufacturers of vapor products shall electronically submit to the Department an annual renewal application. The certifying manufacturer shall also electronically submit to the Department the annual renewal fee at the time a certifying manufacturer submits the annual renewal application.
- (b) The annual certification renewal application and annual renewal fee shall be completed through the Department's website at the following link: www.ncdor.gov.
- (c) The annual certification renewal application shall include the following information:
 - (1) the manufacturer's legal business name or assumed name for sole proprietors, business mailing address, daytime telephone number, fax number, and email address;
 - (2) federal employer identification number (FEIN) or social security number for proprietorships;
 - (3) a contact person, including that person's legal name, telephone number, fax number, and e-mail address;
 - (4) a designation of whether the manufacturer is requesting a renewal certification or updating information to a previously submitted application;
 - (5) the seven-digit Secretary of State identification number assigned by the North Carolina Secretary of State when the manufacturer registered its business entity to do business in the State;
 - (6) the name, address, telephone number, fax number, and email address of the registered agent as required in Rule .2006 of this Section;
 - (7) a manufacturer located outside of the United States shall list the importers of any of the manufacturer's products to be sold in this State, as well as the name, address, telephone number, fax number, and email address of the importers registered agent;
 - (8) a list of each vapor product or consumable product that is sold in this State to include the brand name, category (e.g., e-liquid, power unit, device, e-liquid cartridge, e-liquid pod, disposable), product name, product code or stock-keeping unit (SKU), and flavor; and
 - (9) the Food and Drug Administration (FDA) tracking number and order date for each vapor product and consumable product offered by the manufacturer, and shall upload a copy of:

- (A) the marketing granted order issued by the FDA pursuant to 21 U.S.C. 387j;
 - (B) the acceptance letter issued by the FDA pursuant to 21 U.S.C. 387j for a Timely Filed Premarket Tobacco Product Application; or
 - (C) a document issued by the FDA or by a court confirming that the premarket tobacco product application has received a denial order that is not yet in effect and remains stayed or rescinded by FDA or vacated by a court; and
- (10) the total certification fee due and remitted.
- (d) The certifying manufacturer shall submit the annual renewal application and annual renewal fee to the Department during the annual renewal period to be timely. Failure of a certifying manufacturer to renew its certification or remit the annual renewal fee with the Department shall result in the expiration of the manufacturer's certification and exclusion from the vapor product and consumable product directory, pursuant to G.S. 143B-245.12(b).
- (e) If a certifying manufacturer's certification expires, the certifying manufacturer shall electronically submit to the Department a new initial certification application and initial certification fee as set out in Rule .2003 of this Section, to be recertified.

History Note: Authority G.S. 143B-245.11; 143B-245.12; 143B-245.13; 143B-245.16;
Eff. March 1, 2025.

17 NCAC 04C .2005 MATERIAL CHANGES TO CERTIFICATION

- (a) Pursuant to G.S. 143B-245.11(e), certifying manufacturers shall notify the Department of any material change to the certification. A material change is any change in the criteria found under G.S. 143B-245.11(a), G.S. 143B-245.11(c), or a change as described in G.S.143B-245.11(e). Certifying manufacturers shall electronically submit the changes to the Department through their original initial certification application. There is no fee to update a certification. Certifying manufacturers shall notify the Department not more than 30 days after any material change to the certification.
- (b) Failure to notify the Department of a material change to a certification may result in removal of the certifying manufacturer or its vapor products or consumable products from the directory.

History Note: Authority G.S. 143B-245.11; 143B-245.12; 143B-245.16;
Eff. March 1, 2025.

17 NCAC 04C .2006 REGISTERED AGENT

- (a) Pursuant to G.S. 143B-245.14, a manufacturer shall appoint a registered agent in this State for service of process. This applies to a manufacturer that is a sole proprietor in this State, an out-of-state business not required to register with the North Carolina Secretary of State to do business in this State, or a manufacturer located outside of the United States.
- (b) A manufacturer located outside of the United States shall require its importers of any of its vapor products or consumable products, to be sold in this State, to appoint a registered agent.
- (c) Certifying manufacturers shall notify the Department of the name, address, telephone number, fax number, and email address of their registered agent through the electronic initial certification application and annual certification renewal.

History Note: Authority G.S. 143B-245.14; 143B-245.16;
Eff. March 1, 2025.

SUBCHAPTER 4D - SOFT DRINK TAX

SECTION .0100 - DEFINITIONS

- 17 NCAC 04D .0101 GENERAL DEFINITIONS**
- 17 NCAC 04D .0102 PRODUCT DEFINITIONS**

History Note: Authority G.S. 105-113.44; 105-113.63;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

SECTION .0200 - LICENSES

- 17 NCAC 04D .0201 INSTATE DISTRIBUTORS**
17 NCAC 04D .0202 OUT-OF-STATE DISTRIBUTORS
17 NCAC 04D .0203 RETAIL DEALERS

History Note: Authority G.S. 105-113.50; 105-113.63;
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

- 17 NCAC 04D .0204 GENERAL LICENSE PROVISIONS**

History Note: Authority G.S. 105-113.50; 105-262;
 Eff. February 1, 1976.
 Repealed Eff. July 1, 1999.

SECTION .0300 - TAX RATES

- 17 NCAC 04D .0301 GENERAL LIABILITY**
17 NCAC 04D .0302 BOTTLED (CLOSED CONTAINER) SOFT DRINK RATE

History Note: Authority G.S. 105-113.45; 105-113.63;
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

- 17 NCAC 04D .0303 LIQUID BASE RATE ILLUSTRATED**

History Note: Authority G.S. 105-113.45; 105-262;
 Eff. February 1, 1976;
 Amended Eff. August 1, 1998; October 1, 1991; October 30, 1981;
 Repealed Eff. July 1, 1999.

- 17 NCAC 04D .0304 POWDER RATE**

History Note: Authority G.S. 105-113.45; 105-113.63;
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

- 17 NCAC 04D .0305 PRODUCTS NOT USED IN MANUFACTURING PROCESS**

History Note: Authority G.S. 105-113.45; 105-113.46; 105-113.57; 105-113.58; 105-262;
 Eff. February 1, 1976;
 Amended Eff. January 1, 1994; October 1, 1991;
 Repealed Eff. July 1, 1999.

SECTION .0400 - TAXABLE STATUS OF VARIOUS PRODUCTS

- 17 NCAC 04D .0401 DOMESTIC USE VERSUS COMMERCIAL USE**
17 NCAC 04D .0402 REPRESENTATIVE LIST

History Note: Authority G.S. 105-113.44; 105-113.45; 105-113.46; 105-113.47; 105-262;
 Eff. February 1, 1976;
 Amended Eff. January 1, 1994; October 1, 1991; October 30, 1981;
 Repealed Eff. July 1, 1999.

17 NCAC 04D .0403 REPRESENTATIVE LIST OF SYRUPS AND BASES
17 NCAC 04D .0404 REPRESENTATIVE LIST OF POWDER BASES

History Note: Authority G.S. 105-113.44; 105-113.63;
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

SECTION .0500 - EXEMPTIONS FROM SOFT DRINK EXCISE TAX CONDITIONAL

17 NCAC 04D .0501 FEDERAL GOVERNMENT

History Note: Authority G.S. 105-113.46; 105-262;
 Eff. February 1, 1976;
 Amended Eff. October 1, 1991; October 30, 1981;
 Repealed Eff. July 1, 1999.

17 NCAC 04D .0502 MILK
17 NCAC 04D .0503 FRUIT AND VEGETABLE JUICE
17 NCAC 04D .0504 COFFEE AND TEA

History Note: Authority G.S. 105-113.46; 105-113.47; 105-113.49; 105-113.63;
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

17 NCAC 04D .0505 APPLICATION FOR EXEMPTION REQUIRED
17 NCAC 04D .0506 EXEMPT SALES RECORDS

History Note: Authority G.S. 105-113.47; 105-113.51; 105-113.58; 105-262;
 Eff. February 1, 1976;
 Amended Eff. August 1, 1998; March 1, 1995; January 1, 1994; October 1, 1991; April 1, 1986; October
 30, 1981;
 Repealed Eff. July 1, 1999.

17 NCAC 04D .0507 EXEMPTION OF CONCENTRATED JUICES DETERMINED

History Note: Authority G.S. 105-113.44; 105-113.47; 105-113.63;
 Eff. July 1, 1984;
 Amended Eff. April 1, 1986;
 Repealed Eff. October 1, 1991.

17 NCAC 04D .0508 NATURAL PRODUCTS EXEMPTION DETERMINED

History Note: Authority G.S. 105-113.46; 105-113.47; 105-262;
 Eff. October 1, 1991;
 Amended Eff. August 1, 1998; March 1, 1995; January 1, 1994;
 Repealed Eff. July 1, 1999.

17 NCAC 04D .0509 DESIGNATION OF EXEMPT SALES

History Note: Authority G.S. 105-113.51; 105-262;
 Eff. October 1, 1991;
 Amended Eff. January 1, 1994;
 Repealed Eff. March 1, 1995.

SECTION .0600 - TAXPAID INDICIA (STAMP, IMPRINT, CROWN, OTHER)

17 NCAC 04D .0601 LIABILITY

History Note: Authority G.S. 105-113.51; 105-113.63;
 Eff. February 1, 1976;
 Amended Eff. June 11, 1977;
 Repealed Eff. October 30, 1981.

- 17 NCAC 04D .0602 TAXPAID STAMPS**
- 17 NCAC 04D .0603 TAXPAID CROWNS**
- 17 NCAC 04D .0604 AFFIXING OF CROWNS AND STAMPS**
- 17 NCAC 04D .0605 TAXPAID IMPRINT STAMP**
- 17 NCAC 04D .0606 PROMPT MAIL SERVICE**

History Note: Authority G.S. 105-113.44; 105-113.51; 105-113.52; 105-113.54; 105-113.63;
 Eff. February 1, 1976;
 Amended Eff. October 30, 1981;
 Repealed Eff. October 1, 1991.

17 NCAC 04D .0607 TAXABLE TRANSACTIONS

History Note: Authority G.S. 105-113.51; 105-113.63;
 Eff. February 1, 1976;
 Amended Eff. June 11, 1977;
 Repealed Eff. October 30, 1981.

17 NCAC 04D .0608 CONTROL OF TAX EXEMPT TRANSACTIONS

History Note: Authority G.S. 105-113.45; 105-113.48; 105-113.57; 105-113.63; 105-113.66;
 Eff. February 1, 1976;
 Amended Eff. October 30, 1981; June 11, 1977;
 Repealed Eff. October 1, 1991.

17 NCAC 04D .0609 PROVISION FOR REFUND

History Note: Authority G.S. 105-113.56;
 Eff. February 1, 1976;
 Repealed Eff. October 30, 1981.

17 NCAC 04D .0610 ONLY NORTH CAROLINA TAXPAID INDICIA ALLOWED

History Note: Authority G.S. 105-113.63; 105-262;
 Eff. July 1, 1984;
 Amended Eff. January 1, 1994; October 1, 1991;
 Repealed Eff. July 1, 1999.

**SECTION .0700 - ALTERNATE METHOD OF PAYMENT ON BOTTLED (CLOSED CONTAINER)
SOFT DRINKS**

- 17 NCAC 04D .0701 APPLICABLE TO BOTTLED DRINKS**
- 17 NCAC 04D .0702 LIABILITY REQUIREMENT**

History Note: Authority G.S. 105-113.51; 1-5-113.56A; 105-113.63;
 Eff. February 1, 1976;
 Amended Eff. June 11, 1977;

Repealed Eff. October 1, 1991.

17 NCAC 04D .0703 WHO QUALIFIES

*History Note: Authority G.S. 105-113.51; 105-113.63;
Eff. February 1, 1976;
Amended Eff. June 11, 1977;
Repealed Eff. October 30, 1981.*

**17 NCAC 04D .0704 COMMON CARRIER SHIPMENTS
17 NCAC 04D .0705 CONTINUOUS USE OF METHOD**

*History Note: Authority G.S. 105-113.51; 105-113.63; 105-113.56A;
Eff. February 1, 1976;
Repealed Eff. June 11, 1977.*

**17 NCAC 04D .0706 REDUCED RATE UNDER ALTERNATE METHOD
17 NCAC 04D .0707 METHOD REQUIRED ON INVOICE
17 NCAC 04D .0708 REPORTING SYSTEM PROVIDED DISTRIBUTORS**

*History Note: Authority G.S. 105-113.56A; 105-113.63;
Eff. February 1, 1976;
Amended Eff. October 30, 1981; June 11, 1977;
Repealed Eff. October 1, 1991.*

17 NCAC 04D .0709 CREDIT PROCEDURE FOR TAX EXEMPT SALES

*History Note: Authority G.S. 105-113.56A; 105-113.63;
Eff. February 1, 1976;
Repealed Eff. June 11, 1977.*

**17 NCAC 04D .0710 NO RETAILER QUALIFIES
17 NCAC 04D .0711 BOND REQUIREMENT**

*History Note: Authority G.S. 105-113.56A; 105-113.63;
Eff. February 1, 1976;
Repealed Eff. October 1, 1991.*

SECTION .0800 - OPTIONAL METHOD FOR PAYMENT OF SOFT DRINK EXCISE TAX

**17 NCAC 04D .0801 NOTIFICATION REQUIREMENT OF METHOD ELECTED
17 NCAC 04D .0802 PROCEDURE FOR OPTIONAL METHODS
17 NCAC 04D .0803 NO DISCOUNT ALLOWED**

*History Note: Authority G.S. 105-113.56B; 105-113.63;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. October 1, 1991.*

17 NCAC 04D .0804 TAXABLE TRANSACTIONS

*History Note: Authority G.S. 105-133.51; 105-113.63;
Eff. February 1, 1976;
Amended Eff. June 11, 1977;
Repealed Eff. October 30, 1981.*

17 NCAC 04D .0805 CONTROL OF TAX EXEMPT TRANSACTIONS
17 NCAC 04D .0806 CONTINUOUS USE OF METHOD

History Note: Authority G.S. 105-113.45; 105-113.48; 105-113.56B; 105-113.57; 105-113.63; 105-113.66;
Eff. February 1, 1976;
Amended Eff. June 11, 1977;
Repealed Eff. October 1, 1991.

17 NCAC 04D .0807 NO RETAILER QUALIFIES

History Note: Authority G.S. 105-113.56B; 105-113.63;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04D .0808 BOND REQUIREMENT

History Note: Authority G.S. 105-113.56B; 105-113.63;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. October 1, 1991.

SECTION .0900 - MONTHLY REPORT, INVOICE AND BOND REQUIREMENTS

17 NCAC 04D .0901 REPORT BY DISTRIBUTOR OR WHOLESALER
17 NCAC 04D .0902 REPORT BY RETAILER
17 NCAC 04D .0903 REPORT BY DEALER ON TRAINS

History Note: Authority G.S. 105-113.51; 105-113.52; 105-262;
Eff. February 1, 1976;
Amended Eff. August 1, 1998; March 1, 1995; October 1, 1991; October 30, 1981;
Repealed Eff. July 1, 1999.

17 NCAC 04D .0904 REPORT BY CROWN MANUFACTURERS
17 NCAC 04D .0905 REPORT BY IMPRINT MANUFACTURERS

History Note: Authority G.S. 105-113.52; 105-113.54; 105-113.63;
Eff. February 1, 1976;
Repealed Eff. October 1, 1991.

17 NCAC 04D .0906 FAILURE TO FILE TIMELY REPORTS

History Note: Authority G.S. 105-113.63; 105-236;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04D .0907 DISCOUNT FOR TIMELY FILING AND PAYMENT
17 NCAC 04D .0908 INVOICING REQUIREMENTS

History Note: Authority G.S. 105-113.51; 105-113.52; 105-113.58; 105-262;
Eff. October 1, 1991;
Amended Eff. March 1, 1995; November 1, 1991;
Repealed Eff. July 1, 1999.

17 NCAC 04D .0909 BOND REQUIREMENTS

History Note: Authority G.S. 105-113.51; 105-113.53; 105-262;
Eff. October 1, 1991;
Repealed Eff. January 1, 1994.

SECTION .1000 - LIABILITY FOR THE SOFT DRINK EXCISE TAX

17 NCAC 04D .1001 LIABILITY UNDER G.S. 105-113.51(A)

History Note: Authority G.S. 105-113.51; 105-262;
Eff. October 1, 1991;
Amended Eff. March 1, 1995; January 1, 1994;
Repealed Eff. July 1, 1999.

17 NCAC 04D .1002 SECONDARY LIABILITY

History Note: Authority G.S. 105-113.51; 105-262;
Eff. October 1, 1991;
Repealed Eff. January 1, 1994.

17 NCAC 04D .1003 LIABILITY UNDER G.S. 105-113.51(B) - SOFT DRINK CERTIFICATE OF LIABILITY

History Note: Authority G.S. 105-113.51; 105-262;
Eff. March 1, 1995;
Repealed Eff. July 1, 1999.

SUBCHAPTER 4E - ALCOHOLIC BEVERAGES TAX

SECTION .0100 - LICENSES

17 NCAC 04E .0101 PERMIT REQUIRED TO OBTAIN LICENSE

History Note: Authority G.S. 105-113.69; 105-113.102;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04E .0102 APPLICATION FOR LICENSE

17 NCAC 04E .0103 PENALTY

History Note: Authority G.S. 105-113.70 through 105-113.79; 105-113.89; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; April 1, 1986; October 30, 1981; March 14, 1980; June 11, 1977;
Repealed Eff. July 1, 2000.

17 NCAC 04E .0104 LICENSE APPLICATION OF PARTNERSHIP

History Note: Authority G.S. 105-113.99; 105-113.102;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04E .0105 SALESMAN FOR PROPRIETORSHIP OPERATION

History Note: Authority G.S. 105-113.74; 105-262;

Eff. February 1, 1976;
Amended Eff. July 1, 1984;
Repealed Eff. July 1, 1990.

17 NCAC 04E .0106 LICENSE NOT TRANSFERABLE

History Note: Authority G.S. 105-113.99; 105-113.100; 105-113.102;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

SECTION .0200 – PAYMENT OF TAX

17 NCAC 04E .0201 FILING OF MONTHLY REPORTS

17 NCAC 04E .0202 EXAMINER'S REPORT

17 NCAC 04E .0203 SEPARATE REPORTS FOR WINES

History Note: Authority G.S. 105-113.76; 105-113.80 through 105-113.83; 105-113.84; 105-113.89; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; April 1, 1986; July 1, 1984; March 14, 1980; September 20, 1977;
Repealed Eff. July 1, 2000.

17 NCAC 04E .0204 OUT-OF-STATE SHIPMENTS REPORTING

(a) For all out-of-state shipments, resident wholesalers and importers shall maintain invoices, and if using a common carrier for shipment, bills of lading.

(b) If delivered by using wholesaler's or importer's own mode of transportation, the wholesale or importer shall maintain the name, signature, and address of the person receiving malt beverages or wine from the wholesaler or importer.

History Note: Authority G.S. 105-113.81; 105-113.88; 105-262;
Eff. February 1, 1976;
Readopted Eff. January 1, 2021.

17 NCAC 04E .0205 MAJOR DISASTER REPORTING

(a) To claim a major disaster exemption pursuant to G.S. 105 -113.81(a), wholesalers and importers of malt beverages or wine must submit Form B-C-750 to the Department. If the wholesaler or importer meets the requirements of G.S. 105-113.81(a) and is therefore qualified to take the exemption, the Department will return Form B-C-750 verifying that an exemption can be claimed. If verified by the Department, the wholesalers or importers shall include Form B-C-750 with the monthly report filed pursuant to G.S. 105-113.83.

(b) Form B-C-750 requires the following:

- (1) the reporting period for the report;
- (2) information required by 17 NCAC 01C .0322(b);
- (3) the wholesaler or importer's legal name and mailing address;
- (4) the trade name or doing-business-as name, if applicable;
- (5) if the wholesaler or importer elects to designate a contact person, the identity of a contact person, including his or her legal name, phone number, and fax number;
- (6) the type of product subject to the major disaster;
- (7) the brand name of the product subject to the major disaster;
- (8) the amount of malt beverages or wine subject to the major disaster; and
- (9) documentation to support that a major disaster occurred.

(c) Several small disasters cannot be accumulated and then classified as a major disaster. A major disaster shall be classified as only one event when the loss occurs, and not an accumulation of events. Any missing beverage inventory that cannot be classified as a major disaster shall be considered as malt beverage or wine sold and subject to the excise tax.

(d) Resident wholesalers or importers cannot claim an exemption or deduction for losses in their inventory unless the losses qualify for the exemption under G.S. 105-113.81(a).

History Note: Authority G.S. 105-113.81; 105-113.83; 105-262;

Eff. February 1, 1976;
Amended Eff. April 1, 1986; October 30, 1981;
Readopted Eff. January 1, 2021.

17 NCAC 04E .0206 WHOLESALER BUYING FROM WHOLESALER

History Note: Authority G.S. 105-113.83; 105-262;
Eff. February 1, 1976;
Repealed Eff. January 1, 2021.

17 NCAC 04E .0207 NONRESIDENT BEER SHIPMENTS
17 NCAC 04E .0208 NONRESIDENT WINE SHIPMENTS

History Note: Authority G.S. 105-113.86; 105-113.89; 105-113.102;
Eff. February 1, 1976;
Amended Eff. October 30, 1981;
Repealed Eff. April 1, 1986.

17 NCAC 04E .0209 BEER OR WINE TO EMPLOYEES AND GUESTS

History Note: Authority G.S. 105-113.81; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1990; April 1, 1986; July 1, 1984;
Repealed Eff. January 1, 1994.

17 NCAC 04E .0210 IDENTICAL TAX UPON DOMESTIC AND NON-DOMESTIC WINES

History Note: Authority G.S. 105-113.80; 105-262;
Eff. February 1, 1985;
Repealed Eff. January 1, 1994.

SECTION .0300 - SPOILAGE: BREAKAGE AND DESTRUCTION

17 NCAC 04E .0301 SPOILAGE OR DESTRUCTION OF NONTAXPAID BEER OR WINE
17 NCAC 04E .0302 SPOILAGE OF TAXPAID BEER OR WINE

History Note: Authority G.S. 105-113.85; 105-262;
Eff. February 1, 1976;
Amended Eff. December 1, 2003; July 1, 2000; March 14, 1980; April 1, 1986; October 30, 1981;
Repealed Eff. January 1, 2021.

17 NCAC 04E .0303 DESTRUCTION OF MALT BEVERAGES OR WINE WHEN IN TRANSIT

Non-tax-paid malt beverages and wine that are destroyed while in the possession of a common carrier who is transporting these alcoholic beverages from the brewery or winery to the resident wholesaler or resident importer shall not be considered part of the taxable inventory of the resident wholesaler or resident importer.

History Note: Authority G.S. 105-113.83; 105-262;
Eff. February 1, 1976;
Readopted Eff. January 1, 2021.

17 NCAC 04E .0304 DESTRUCTION WHEN PROPERTY OF RESIDENT

History Note: Authority G.S. 105-113.86; 105-113.102;
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

SECTION .0400 - MILITARY BEER AND WINE

17 NCAC 04E .0401 INSIGNIA FOR MILITARY USE ONLY REQUIRED

History Note: *Authority G.S. 105-113.86; 105-113.102;*
Eff. February 1, 1976;
Repealed Eff. October 30, 1981.

17 NCAC 04E .0402 ACCOUNTING FOR BEER AND WINE SALES TO MILITARY

History Note: *Authority G.S. 105-113.81; 105-262;*
Eff. February 1, 1976;
Amended Eff. April 1, 1986; January 1, 1982;
Repealed Eff. January 1, 1994.

17 NCAC 04E .0403 SEGREGATION OF MILITARY FROM CIVILIAN

History Note: *Authority G.S. 105-113.86; 105-113.102;*
Eff. February 1, 1976;
Repealed Eff. January 1, 1982.

SECTION .0500 - OCEAN-GOING BEER AND WINE

17 NCAC 04E .0501 EXEMPTION FROM TAX

History Note: *Authority G.S. 105-113.81; 105-262;*
Eff. February 1, 1976;
Repealed Eff. January 1, 1994.

17 NCAC 04E .0502 RECEIPTS FOR MALT BEVERAGES AND WINE DELIVERED TO OCEANGOING VESSELS

Receipt for delivery of non-tax-paid malt beverages and wine to oceangoing vessels shall be signed for by an authorized officer or agent of the vessel. The signed receipts must be retained by the wholesaler or importer for a period of three years.

History Note: *Authority G.S. 105-113.81; 105-262;*
Eff. February 1, 1976;
Readopted Eff. January 1, 2021.

SECTION .0600 - BOND REQUIRED

17 NCAC 04E .0601 BOND OR IRREVOCABLE LETTER OF CREDIT REQUIRED OF WHOLESALERS AND IMPORTERS OF MALT BEVERAGES OR WINE

(a) A bond submitted to the Department pursuant to G.S. 105-113.86 shall be filed on Form B-C-790. Form B-C-790 requires the following:

- (1) the bond number;
- (2) the principal's legal name;
- (3) the surety's name;
- (4) the written value of bond amount;
- (5) the numeric value of bond amount;
- (6) the bond effective date;
- (7) the date the bond is executed;
- (8) the authorization, printed name, and signature of the Attorney-in-Fact acting on behalf of the surety in accordance with the following:
 - (A) surety shall affix its seal to the form;

- (B) surety shall include with the form a power of attorney authorizing the Attorney-in-Fact to sign on behalf of the surety; and
 - (C) surety shall prepare the power of attorney on the surety's own form executed under the surety's seal. If the power of attorney submitted with the form is other than a manually signed original, it shall be accompanied by a certification from the surety that the power of attorney is valid; and
 - (9) the authorization, printed name, signature, and title of the person authorized to legally bind the principal in accordance with the following:
 - (A) if the principal has a seal, the principal shall affix its seal to the form;
 - (B) if the principal does not have a seal, the person signing the form shall have his or her signature notarized on the form; and
 - (C) the principal shall include documentation (such as the principal's bylaws, operating agreement, or resolution) showing that the person signing the form has the authority to bind the principal.
- (b) An irrevocable letter of credit submitted to the Department pursuant to G.S. 105-113.86 shall be issued on the financial institution's letterhead and include the following:
- (1) the irrevocable letter of credit number;
 - (2) the North Carolina Department of Revenue designated as the beneficiary;
 - (3) the principal name and address;
 - (4) the irrevocable letter of credit is issued for alcoholic beverage taxes imposed under G.S. 105-113.80;
 - (5) the coverage period, including effective and expiration dates;
 - (6) the liability release date, which shall be three years after the expiration date;
 - (7) the credit amount;
 - (8) the issuing financial institution's name, address, telephone number, and fax number; and
 - (9) the signature, printed name, and title of authorized person issuing the irrevocable letter of credit on behalf of the issuing financial institution.
- (c) The amount of the bond or irrevocable letter of credit submitted to the Department pursuant to G.S. 105-113.86(a) or (c) in response to a periodic review shall be as follows:
- (1) where the combined tax due for any three months of the previous 12 months exceeds forty thousand dollars (\$40,000), the amount of the bond shall be fifty thousand dollars (\$50,000);
 - (2) where the combined tax due for any three months of the previous 12 months exceeds twenty-five thousand dollars (\$25,000) but does not exceed forty thousand dollars (\$40,000), the amount of the bond shall be forty thousand dollars (\$40,000);
 - (3) where the combined tax due for any three months of the previous 12 months exceeds twelve thousand five hundred dollars (\$12,500) but does not exceed twenty-five thousand dollars (\$25,000), the amount of the bond shall be twenty-five thousand dollars (\$25,000);
 - (4) where the combined tax due for any three months of the previous 12 months exceeds five thousand dollars (\$5,000) but does not exceed twelve thousand five hundred dollars (\$12,500), the amount of the bond shall be twelve thousand five hundred dollars (\$12,500); and
 - (5) where the combined tax due for any three months of the previous 12 months does not exceed five thousand dollars (\$5,000), the amount of the bond shall be five thousand dollars (\$5,000).
- (d) The amount of the bond or irrevocable letter of credit submitted to the Department pursuant to G.S. 105-113.86(b) shall be two thousand dollars (\$2,000).

History Note: Authority G.S. 105-113.86; 105-262;
 Eff. February 1, 1976;
 Amended Eff. April 1, 2008; January 1, 1994; April 1, 1986;
 Readopted Eff. January 1, 2021.

17 NCAC 04E .0602 NEW WHOLESALE OR IMPORTER BOND

History Note: Authority G.S. 105-113.86; 105-262;
 Eff. February 1, 1976;
 Amended Eff. January 1, 1994;
 Repealed Eff. January 1, 2021.

SECTION .0700 - DISTRIBUTION OF MALT AND WINE EXCISE TAX TO LOCAL GOVERNMENTS

17 NCAC 04E .0701 PARTICIPANTS IN DISTRIBUTION
17 NCAC 04E .0702 PER CAPITA BASIS

History Note: Authority G.S. 105-113.86; 105-113.102;
Eff. February 1, 1976;
Amended Eff. March 14, 1980;
Repealed Eff. October 30, 1981.

17 NCAC 04E .0703 DISTRIBUTION NOTICE

History Note: Authority G.S. 105-113.82; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; March 14, 1980;
Expired Eff. January 1, 2019 pursuant to G.S. 150B-21.3A.

17 NCAC 04E .0704 DEFINED AREAS

History Note: Authority G.S. 105-113.86; 105-113.102;
Eff. February 1, 1976;
Amended Eff. March 14, 1980; September 20, 1977;
Repealed Eff. October 30, 1981.

17 NCAC 04E .0705 HOLD FUNDS

History Note: Authority G.S. 105-113.86; 105-113.102;
Eff. February 1, 1976;
Amended Eff. March 14, 1980;
Repealed Eff. April 1, 1986.

17 NCAC 04F .0101 ISSUANCE OF STAMPS
17 NCAC 04F .0102 DENOMINATION OF STAMPS
17 NCAC 04F .0103 COST OF STAMPS
17 NCAC 04F .0104 POSTAGE PAID

History Note: Authority G.S. 105-228.31; 105-228.32; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994; July 1, 1984;
Repealed Eff. July 1, 2000.

17 NCAC 04F .0105 CONVEYANCE TAX (EXCISE TAX ON DEEDS) REPORTS

History Note: Authority G.S. 105-228.30; 105-262;
Eff. October 1, 1991;
Repealed Eff. July 1, 2000.